the dower of his wife certain lands described in the affidavits filed, and to declare that the wife has forfeited her right to dower.

W. J. McLarty, for the applicant.

HON. MR. JUSTICE KELLY:—The facts as shewn by the affidavits filed by the applicant are that the applicant married his wife in 1856, that they lived together as husband and wife until 1871, there being then four children of the marriage; that in 1871, the wife left home with one R., taking with her the four children; and she continued to live with R. as his wife from that time; that she and the four children adopted the name of R.; that two children, at least, were born to her while living with R.; that soon after she left her husband he followed her to Montreal for the purpose of having her return, but she evaded him, and thereafter lived with R., at first in the province of Quebec, then in Toronto, and later in British Columbia.

In 1907 she called on the applicant and requested him to sign a writing declaring that he had not been properly married to her, the object being to establish that her son by said R. was a legitimate son of R. and herself, so that he might inherit certain property of R., who was then dead.

The applicant in his affidavit states that she at that time admitted to him that she had lived with R. as his wife down to the time of his death, and that she had a number of children by R.

With the exception of this occasion, and perhaps at one other time prior thereto the applicant has not since 1871 seen his wife, and he does not now know whether she is living or dead.

On the facts as submitted, and for the reasons given in *Re S.* , 14 O. L. R. 536, and the cases therein considered, it is quite clear that the wife of the applicant is not entitled to dower. The applicant is entitled to an order dispensing with the concurrence of the wife for the purpose of barring her dower.