

8 O.W.N. 372, an order was made which took for granted that the power existed notwithstanding that leave was necessary. And see *Cotton v. Corby* (1859), 5 U.C. L.J. O.S. 67; *Quinlan v. Child*, [1900] A.C. 496; *Nityamoni Dasi v. Madhu Sudan Sen* (1911), L.R. 38 Ind. App. 74; *Mohesh Chandra Dhal v. Satrugan Dhal* (1899), L.R. 26 Ind. App. 281.

In view of these decisions, which appeared to conflict with the effect of the order of RIDDELL, J., and as it was very desirable that it should be definitely decided in which Court the power to stay resided after leave to appeal granted in England, the applicants should have leave to appeal on the one point raised.

SUTHERLAND, J., IN CHAMBERS.

JANUARY 4TH, 1917.

RE HAYCOCK.

Dower—Application for Order to Convey Land Free from Dower of Wife of Mortgagor—Dower Act, R.S.O. 1914 ch. 70, secs. 14 (2), 17—Proof that Mortgagor Alive—Necessity for Ascertainment of Value of Dower where Wife not Disentitled.

Motion by W. A. Brown for an order under sec. 17 of the Dower Act, R.S.O. 1914 ch. 70, authorising the applicant to convey or mortgage land in the village of Belmont free from the dower of Blanche Haycock, wife of Frederick Haycock.

On the 31st December, 1912, the applicant conveyed the land to Haycock, who gave back a mortgage to secure part of the purchase-money. Haycock's wife had then been living apart from him for about three years, and did not join in the mortgage to bar her dower. On the 5th January, 1914, Haycock released his equity of redemption in the land to the applicant.

The application was several times adjourned, and finally came before SUTHERLAND, J., on the 2nd December, 1916, when proof of service upon the sister of Blanche Haycock for her (as permitted by an interim order) was made, and it was also shewn that Haycock was alive in August, 1916.

P. H. Bartlett, for the applicant.
No one contra.