and while this recital of cases cannot, probably, be excused on the ground of practical utility to the banker, whose practice of short time loans will not permit the tying up of his capital on *post mortem* paper, it neverthelesss has an interesting side, which, it is hoped, will justify its insertion and perusal.—*Banking Law Journal.*

Correspondence.

DOWER IN MORTGAGED ESTATES.

To the Editor of THE CANADA LAW JOURNAL:

SIR,—*Re Pratt* v. *Bunnell*, 21 Ont. 1—The proposition that the measure of a widow's interest in the surplus moneys derived from a sale of mortgaged lands, as to which, for the purposes of the mortgage, she had barred her dower, is one-third of such surplus, irrespective of whether or not the mortgage was given to secure purchase money, receives some countenance from R.S.O., c. 169, s. 50, which provides that in case of a sale by a building society of mortgaged lands, and of there being a surplus of not more than $200, such surplus shall be deemed personal property; *except that* in all such cases the widow of the mortgagor shall be entitled to *a third of such surplus* absolutely in satisfaction of her dower. Assuming the legislature to have a consistent continuous understanding as to what the law is, the section referred to supports the judgment in the above case as a general rule, and not merely in the restricted sense suggested in your article in your issue of 1st October.

Yours, etc.,

Hamilton, Oct. 26, 1891. PETER D. CRERAR.

[We are inclined to think that the statute to which our learned correspondent refers, and which was obviously passed to meet a particular class of cases, does not necessarily afford any ground for concluding that there was any intention to alter or declare the law as to another class of cases to which it does not in terms apply. If we make the assumption which is suggested, then it seems to us that we must conclude that the section was intended to be an exception to the general law, otherwise it would have been unnecessary.—ED. C.L.J.]