mind, within both the letter and the spirit of the statute and rules. The statute and rules are remedial in their nature and designed to promote the recovery of just debts, and should receive a liberal, and not a narrow, interpretation. We therefore think it is to be regretted that the decision of Spragge, C., in *Lowell* v. *Gibson*, 6 P. R. 132, was not followed in preference to the common law cases of *Kerr* v. *Douglass*, 4 P. R. 124; *Walker* v. *Fairbairn*, 6 P. R. 251; *Ghent* v. *McColl*, 8 P. R. 428; *Hawkins* v. *Patterson*, 23 U. C. R. 197.

THE decision of the Queen's Bench Divisional Court in *Johnson* v. *Oliver* (or *Heirs*,) noted *ante* p. 246, appears to us, to some extent, to conflict with the decision of the Supreme Court in *Gray* v. *Richford*, 2 S. C. R. 431. From our note of the case, it appears that the widow of an intestate who died in 1864 continued in sole possession of the land in question till 1881, when she died, devising the land to the plaintiff. It was held that the widow had acquired a valid title, in fee, to the whole estate, under the Statute of Limitations against the heirs-at-law of her deceased husband. *Gray* v. *Richford* established the wholesome rule that when a person having a rightful title to possession, is in possession of land, his possession must be attributable to his rightful title, and not to a wrongful one. Now, if this rule were applied in the case of *Johnson* v. *Oliver* it appears to us that it must follow, that, at all events as to an undivided one-third of the land in question, as to which the widow was equitably entitled to possession in right of her dower, she could acquire no title to the fee simply by possession, as against the heirs-at-law. The want of a formal assignment of dower is in equity of no account, see *Hamilton* v. *Mohern*, 1 P. W. 122, quoted with approval by Blake and Proudfoot, VV. C., in *Laidlaw* v. *Jackes*, 27 Gr. 101, and even if it were of any account at law, the rule of equity must, since the Judicature Act, prevail. The proper test appears to be this: could the widow, during her possession, have been evicted by the heirs-at-law from an undivided one-third? Would not the widow, in equity, have had, even before assignment of dower, a good, equitable title to possession of an undivided one-third as doweress? We think she would, and if we are correct in this, we do not see how, applying the rule laid down in *Gray* v. *Richford*, she could acquire any possessory title to the fee of that one-third, no matter how long she might remain in possession. We are aware that it was held by the Court of Chancery in *Laidlaw* v. *Jackes* that a widow, who had been in actual occupation of land of which she was dowable for over twenty years without assignment of dower, had lost her right of action to recover for future dower. As a proposition of law that may have been correct, and that it also worked a grievous piece of injustice to the widow, no one will deny. A legislative remedy has since been applied by 43 Vict., c. 14 (O). At the same time we do not think that case in any way conflicts with the opinion we have ventured to express. *Jackes* v. *Laidlaw* altogether turned, as to this branch of the case, on construction of R. S. O., c. 108 and 25, which bars the action for dower if not prosecuted within the prescribed time. But the question is whether though the widow might be unable actively to enforce her claim for dower by action, she might not, nevertheless, be entitled to set up her claim as doweress, as a solid defence to an ejectment by the heirs-at-law, to recover possession of more than the undivided two-thirds? Beyond all question this defence, it appears to us, would have been available at any time within the period allowed to the widow for bringing an action to enforce her claim for dower, viz., ten years from her husband's death, and we are also inclined to think it would be a *good defence* even at any subsequent period of her possession; but whether it would, or not, can the rightful possession be said to have come to an end before the ten years allowed