

BLAKE, V. C.—It appears on the affidavits that the defendant now sought to be restrained is not one of the joint owners, but a stranger in possession, whose title to be in possession at all is denied. No relief can be had against him on motion without a bill filed. There must be some proceeding in the nature of an ejectment to oust him, and that relief cannot be granted on a summary application under Order 640.

Application dismissed with costs.

Blake, V. C.] [December 15.

RE HOPKINS—BARNES V. HOPKINS.

Dower—42 Vict. c. 22.

H. being possessed of some lands executed mortgages of them. Some of them were given to secure unpaid purchase money, and others to secure the payment of money lent to H. The wife of the mortgagor had joined in the mortgages to bar dower.

H. having died intestate :

Held, on the sale of lands under decree, directing a sum in gross, in lieu of dower, to be paid to the widow, that she was entitled to dower out of the whole amount realized from the sale, after deducting therefrom the amount of the mortgages given by H. to secure unpaid purchase money, but not of the other mortgages.

Blake, V. C.] [December 16.

COOK V. CREDIT VALLEY RAILWAY.

Sequestration—Motion for—Length of Notice.

On moving for a writ of sequestration for breach of an injunction, two clear days' notice of motion is sufficient.

CORRESPONDENCE.

Sheriff's Fees and Mr. McKellar's Pamphlet.

To the Editor of THE LAW JOURNAL.

SIR,—A pamphlet has lately been issued and forwarded to the Ontario Government by Mr. McKellar, the Sheriff of Wentworth, having for its object, the redress of the grievances to which he alleges Sheriffs are subjected. This pamphlet contains a copy of

a petition signed by thirty-four out of thirty-seven Sheriffs of Ontario, to be presented to the Legislative Assembly at its present session, setting forth what these alleged grievances are, and Mr. McKellar has appended a draft of a proposed Bill, which he hopes to have passed by the Legislature, in the exclusive interest of Sheriffs; and the pamphlet also contains, what Mr. McKellar considers to be ample proof of the genuineness of the alleged grievances, and conclusive reasons for the speedy interference of the Legislature in behalf of himself and of the Shrievalty throughout Ontario.

Mr. McKellar refers to individual members of the legal profession as "Good honest Charlie," "The Saintly Lauder," "Good Old Rye," "Truly thou art a Deacon fearfully and wonderfully made," and, by covert insinuation, would revenge himself upon gentlemen, who have dared to combat his views upon the subject under discussion. Such "throwing of scurrilous and abusive terms" may, for aught I know, most truly be in keeping with the individual who uses them, and be most becoming to the man; but, for a little while, could not the Sheriff of Wentworth have lost self-consciousness and, mindful only of his official character, abstained from language so undignified in the holder of an important Shrievalty.

The gentleman refers to two bills of costs, as proving the truth of what his pamphlet asserts; one in a suit of *Watson v. Servos* (p. 20), the other in a suit of *Suter v. Servos* (p. 21), and he relies upon the taxation of the County Court Clerk of Waterloo in each of these two cases. In *Suter v. Servos* this Clerk allows a charge, and in *Watson v. Servos*, this same charge this same Clerk disallows. Truly this Clerk must be a competent officer, when, upon the faith of this taxation, Mr. McKellar ventures to send broadcast the accusation that Mr. Dalton McCarthy's law firm charged and obtained fees to which they were never entitled. Then Mr. McKellar (may I hope unintentionally) directly misleads the readers of his pamphlet. Take, for instance, the case he refers to, that of *Watson v. Servos*; the Clerk, in that case, it appears (vide p. 20 of the pamphlet), taxed off the sum of \$2.73.