

Can it be said that full effect is given to the mortgage if, notwithstanding the bar of dower contained in it, a new equity of redemption is held to be created in the wife, which did not previously exist, and the foreclosure of which would necessarily involve a mortgagee in extra expense? We are disposed to think that such an interpretation involves a stretching of the Act beyond its letter, and also beyond its intention. On the other hand, there is no doubt that the interest which the Act undoubtedly gave the wife might be seriously prejudiced and impaired if she had not the right of redemption which Rose, J., has decided that she has.

It is somewhat strange that we have not before this had the law on this point settled by some appellate tribunal. Until then, at all events, it will be safer for practitioners in all cases to make the wife of a mortgagor a party to any action for foreclosure or sale of the mortgaged property. And it also behooves solicitors investigating titles acquired under sale or foreclosure judgments to see that the wives of mortgagors were duly made parties. It is possible, however, that defects in such proceedings arising from the neglect to serve the wife are now cured by the Judicature Act (R.S.O., c. 44), s. 53, s-s. 10, so far as subsequent purchasers are concerned.

RULES OF COURT SINCE CONSOLIDATION.

Since the promulgation of the Consolidated Rules of 1888, other Rules have been passed from time to time, and which have, we believe, not heretofore been collected. There are also certain regulations for the conduct of business in the offices of the court, which have been approved by the judges; some of these have not been printed, and are inaccessible to the profession.

We first find certain regulations made on the 26th of February, 1891. These were agreed upon by the Registrars of the three Divisions for the purpose of securing uniformity of procedure in the various offices, and were approved by the Judges, and are as follows:

Regulations for securing uniformity of practice.

"(1) All judgments to be given out after entry; all judgments to be entered in the office where the appearance is required to be entered.