ment, and we did not intend to intimate that the law was unsettled on that point.

But we return to the subject of dower not so much for the sake of setting right what might be left to right itself as to call attention to the fact that the case of *Dawson* v. *Bank of Whitehaven*, L. R. 4 Ch. D. 639, has been reversed by a very strong Court of Appeal, consisting of Jessel, M.R., and James and Cotton, L.JJ. The Court of Appeal held that when the widow bars her dower in a mortgage made by the husband for his own benefit, her right to dower is absolutely gone at law, and that, as in England, no dower attaches to an equitable estate; and, as she has voluntarily concurred in changing the husband's estate from a legal to an equitable one, she has no equity to claim dower after the satisfaction of the mortgage out of the lands so pledged. The Court of Appeal also dealt with the argument that the wife became a surety for the debt, and that therefore when the debt was paid she became entitled to the benefit of the security obtained by the creditor from the husband, the principal debtor. It was answered that as the wife's right was extinguished she did not pledge any estate for her husband's debt, nor did she make herself personally liable for it. The full text of the appellate decision is not yet published, and we have but seen a note of it in 21 Sol. J. 749. It may be that the Consolidated Statute giving the widow dower in an equitable estate of which the husband dies seized will render some of the reasoning of the judges in appeal inapplicable to the circumstances of this country. But of this it would be premature to speak, till the decision is properly reported at length.

THE COURT OF APPEAL UPON THE ADMINISTRATION OF JUSTICE ACT.

The Court of Appeal, (consisting of Hagarty, C.J. C.P., and Burton, Patterson, and Moss, JJ.), have in the case of *St. Michael's College* v. *Merrick*, expressed a unanimous opinion upon the construction of the Administration of Justice Act of 1873. In substance that opinion accords with the views which have from time to time been expressed in the pages of this journal. The Court hold that that Act was not intended to abrogate any of the former jurisdiction of the Court of Chancery—that its provisions are permissive and not compulsory—and that consequently a line of decisions to the contrary is no longer to be regarded as law. The excellent service rendered by the Court of Appeal in *Davidson* v. *Ross*, in dissipating the subtleties of the doctrine of pressure in cases of fraudulent preference, has been substantially repeated in clearing away the jungle of perplexity which was over-running the sections of this Act.

A person sued who has an equitable defence may now, as before the statute, elect to set up his defence at law, or may file a bill to restrain the action at law on equitable grounds. But it is held that when once judgment is recovered, that is conclusive, not only as to legal, but as to equitable defences which either were raised, or might have been raised, in the particular action. Whether the Court of Appeal intend this to apply to actions of ejectment is not plainly expressed. If so the case of *Demorest* v. *Helms*, 22 Gr. 433, still is law, a conclusion which we are very loth to accept. But it is quiet clear that among the decisions overruled by this judgment are the cases of *McCabe* v. *Wragg*, 21 Gr. 97, and *French* v. *Taylor*, 23 Gr. 436, while the *ratio decidendi* in *Henderson* v. *Watson*, 23 Gr. 355, and