

first instance; for it is silent respecting the power to add parties, and the rules (if imported into this statutory jurisdiction) give Masters only a delegated jurisdiction to add certain classes of parties after a judgment of the court has declared the rights to be litigated in the action. This new jurisdiction is statutory, and is governed by well-understood rules of construction; but as a decision is not necessary in this case, it may be proper to reserve the question for further consideration and argument. But see *McPherson v Gedge*, 4 O.R. 246.

Without deciding as to the right to amend, I must, on the question of the plaintiff's right to claim the benefit of the amount of McTaggart & Leishman's lien, so as to give the High Court jurisdiction, hold that, as those parties had discharged (but not registered) their lien on the day before this action was commenced, they were not "lienholders entitled to the benefit of this action." As I have, therefore, no jurisdiction in this action, I can give no costs; see *Re Isaac*, 4 M. & Cr. 11, and *Re Charity Schools of St. Dunstan*, L.R. 12 Eq. 537.

MASTER'S OFFICE.

(Reported for THE CANADA LAW JOURNAL.)

IN RE BENNETT.

Quarantine—Right of widow to.

A widow is entitled to residence in house of deceased husband, and to maintenance out of his estate, for forty days after his death.

(MASTER IN ORDINARY, Oct. 10th, 1891.)

This was an administration proceeding, in which a reference was directed to the Master in Ordinary. The widow of the intestate, whose estate was in administration, claimed to be relieved from accounting for certain quantities of wheat, potatoes, pork, apples, pickles, preserves, and firewood—all of the value of \$31.58—used by her for her maintenance on the farm of the testator for the forty days' period of quarantine succeeding the death of her husband.

J. C. Hamilton for the widow.

Baird for next of kin.

MR. HODGINS, Q.C., Master in Ordinary:—The right of a widow to quarantine is thus stated in an old authority (*Termes de la Ley*): "Quarantine is where a man dyeth seized of a manor-place and other lands, whereof the wife ought to be endowed; then the woman may abide in the manor-place and there live of the

store and profits thereof the space of forty days, within which time her dower shall be assigned." In *Callaghan v. Callaghan*, 1 C.P. 348, Sir James Macaulay, C.J., referred to a widow's quarantine as "a right to reside in the dwelling-house concurrently with the heir, and to receive her reasonable maintenance during forty days after her husband's death." See also *Lucas v. Knox*, 3 O.R. 453.

I think, therefore, that the widow is entitled to be relieved from accounting for the \$31.58 claimed by her.

Early Notes of Canadian Cases.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Div'l Court.]

[Nov. 16.

DAVIES v. GILLARD.

Assignments and preferences—R.S.O., c. 124, s. 2

—Chattel mortgage to creditor by insolvent debtor over all his property—Pressure—Collusion.

In an action to have a chattel mortgage made by a debtor to certain creditors declared fraudulent and void, as against other creditors, it was found at the trial that at and before the time of the execution of the mortgage the debtor was in insolvent circumstances and unable to pay his debts in full, as he well knew; that the mortgagees were well aware of the fact and took the mortgage with a full knowledge of it; that their object in taking the mortgage was to obtain security for their debt; that the necessary effect was to defeat, delay and prejudice the creditors of the mortgagor, and to give the mortgagees a preference over the other creditors; and that the mortgagees, at and before the execution of the mortgage, knew that it would have such effect. It also appeared that the property covered by the chattel mortgage was all that the debtor had, and that he knew that he had many creditors who could not be paid.

Held, per ARMOUR, C.J., at the trial, following Molsons Bank v. Halter, 18 S.C.R. 88, that