

BOOK REVIEW.

that these mortgages had been reduced so as to leave the property worth, according to the assessed value, \$965 over and above incumbrances.

Held, that the property qualification was sufficient, but that the respondent was the holder of a license within the meaning of R. S. O. ch. 174, sec. 74.

Aylesworth, for relator.

J. E. McDougall, contra.

Proudfoot, J.]

[March 5.]

LAWLOR v. LAWLOR.

Partition—Sale—Tenant for life—Dower.

Held, following *Gaskell v. Caskell*, 6 Sim. 643, that a tenant for life may have a partition, and where there is a right to partition, there may be a right to a rule as the Court shall determine. R. S. O. ch. 101, sec. 81.

J. K. Kerr, Q.C., for plaintiff.

J. Hoskin, Q.C., for defendants.

Boyd, C.]

[March 12.]

ROBERTSON v. NERO.

Substitutional service—Rule 34, O. J. A.

The fact of a defendant being out of the jurisdiction is no reason for dispensing with personal service unless it appears that he is hiding or evading service, or that his whereabouts cannot be ascertained.

J. T. Small, for the plaintiff.

rights of a married woman in respect of her property during the life of her husband without as yet making any abridgement of, but rather extending her rights in respect of her husband's property. A knowledge of the law of Dower, and more especially of the more recent doctrines in regard to it, remains as necessary to the lawyer as ever. The law on this subject in the United States varies so much in the different States that, as Mr. Cameron points out, the comprehensive work of Scribner devoted as it necessarily is in a large degree to discussion of the conflicting decisions of the Courts of the different States, is of very little assistance to the Canadian lawyer. In England the law of Dower does not seem to have received much addition during the last forty years, and the now very old treatise of Park seems still to answer all the acquirements of the profession there. This may be owing to the facilities which the English Dower Act affords of dealing with lands so as to defeat rights of dower while only inchoate, so that questions of dower do not complicate the transactions which ordinarily come before the courts. In this Province, however, where accretions are from time to time being made to the law of Dower, English text books would only be valuable for the fundamental principles upon which Dower was originally built, and the modern additions have, for a long time, remained scattered through the reports and statute books. These are of course accessible with the cumbrous helps of digests, but their collection by Mr. Cameron into the convenient form of an orderly treatise, whose aim is to state merely the law as it exists in this Province, will be a welcome addition to our law libraries.

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A TREATISE ON THE LAW OF DOWER, by Malcolm Graeme Cameron, Barrister-at-Law. Toronto: Carswell & Co., Law Publishers, 1882.

The preface to this book throws on this Journal the responsibility of its birth, in that the author says, in speaking of a work on this subject being required, "Expression has been given to this felt want in the *Canada Law Journal* to an article in which the author must ascribe his first impulse towards the preparation of this volume." We are not sorry that Mr. Cameron has answered the call.

Our law in Ontario has recently been advancing in the direction of the enlargement of the

The general principles upon which Dower depends are fully and clearly treated in the earlier chapters of the present work, in which the writer necessarily does not depart materially from the mode in which the subject has been hitherto dealt with by text writers. The next ten or twelve chapters discuss the nature and incidents of Dower by considering in succession the various estates of the husband out of which it may or may not be claimed, such as estates in fee simple, in tail, in remainder or reversion, joint tenancy estates not of inheritance, partnership lands, trust and equitable estate, and in mortgaged estates. Modes in which dower is released or defeated follow. (chaps. 31-33), with