

an amendment would be, in nine cases out of ten, to drive defendants to have their claims drawn out technically by a lawyer.

Mr. FERRIS said he thought it would be hardly fair to place upon the plaintiff the whole onus of stating his case to the smallest amount, while the defendant was not required to do anything of the kind.

Mr. GIBSON (Hamilton) said that he thought some such amendment as this was needed. Every defendant should have some kind of defence, and why should he not set it out in simple form, and without the necessity of calling in a lawyer?

Mr. MERRICK said the tendency of the amendment would be to do what they should try above all things to avoid—namely, to increase the expense and complicate the procedure.

Mr. HAY said his experience of defendants taught him that if pleadings were required of them they would not be forthcoming.

Mr. FRENCH suggested that the amendment should be so changed as to require the defendant to make affidavit that he had a good defence.

Mr. McCRAVEY said he repudiated the idea of introducing pleadings into the Division Courts, but he could not see any good reason why the defendant should not give some such particulars as those he suggested. He would, however, allow the amendment to stand in the meantime.

The amendment was put and lost.

Mr. McCRAVEY moved the following amendment:—That the defendant in his notice of defence shall state the ground on which he intends to defend the action, but the judge in his discretion may permit the defendant to set up other grounds of defence than those contained in his notice of defence.

The amendment was lost.

Mr. McCRAVEY moved that the following be substituted for Section 94:—That if a set off proved to the satisfaction of the judge exceeds the amount shown to be due to the plaintiff, the plaintiff shall be non-suited, or the defendant may elect to have judgment for such excess, provided this excess be within the jurisdiction of the Court; but if such excess be greater than the amount within the jurisdiction of the Court, the judge may adjudicate that an amount of such set off equal to the amount shown to be due to the plaintiff shall be satisfied by such claim, but such adjudication shall be no bar to the plaintiff in any subsequent suit for the residue of such claim.

The amendment was carried.

The Committee then rose and reported.

Mr. MOWAT moved the adjournment of the House.

The House adjourned at 11:30 p. m.

#### NOTICES OF MOTION.

Mr. Bell gave notice that on Wednesday next he would move the following resolution:—“That in the opinion of this House it is expedient that the Government of Ontario take into consideration the question of the location of the Pacific Railway through this Province, in relation to its effects on the prosperity of the southern portion of Ontario, and particularly on its towns and cities on Lake Ontario, and if the Government consider that effect injurious, it take such steps as it may deem best for preventing the business of the country naturally pertaining to the frontier towns and cities from being drained off to Montreal and Portland.”

Mr. Fraser gave notice that he will to-day introduce a Bill to provide for the erection of new buildings for the accommodation of the Provincial Legislature and the Public Departments.

Mr. Richardson—That on Wednesday next he would move for a return showing the sums paid in the several counties and united counties in Ontario to the County Selectors of Jurors for services performed as such between the 10th day of September, 1879, and the 10th day of February, 1880, such return to show how many and which of the selectors acted, and how much was paid to each.

The Attorney-General—That he would to-day introduce a Bill to secure the due consideration of constitutional questions.

Mr. Wood—On Tuesday next, Bill to amend the Municipal Act.

Mr. Pardee—On Tuesday next will move “That this House will resolve itself into a Committee of the Whole to consider certain proposed resolutions relating to railway aid.”

*Feb. 23*