

formation should not be given. He was quite sure that it would not be in the public interest to bring the information down. The reason suggested for withholding the information was incorrect, as the examination and valuation had been made. In every instance this course had been followed, but in every case the amount received had been a great deal more than the amount of the valuation.

The motion was carried on division, with the clause regarding the upset or reserve price struck out.

#### COVENANTS IN LEASES.

Mr. HARCOURT in moving the second reading of the Bill regarding covenants contained in short forms of leases, said he did not wish to change the law, but make clear the law as he understood it. Referring to decisions he showed that there was some doubt as to whether the covenants ran with the land and were binding on the lessee, or personal to the lease and not binding on the lessee. He proposed to make the covenants run with the land.

The Bill was read the second time and referred to a special committee.

#### CONVEYANCES MADE BY MARRIED WOMEN.

Mr. GIBSON (Hamilton) moved the second reading of the Bill to confirm certain conveyances made by married women. The Bill provided that every conveyance made since the 29th day of March, 1873, by a married woman of or affecting her real estate to which her husband was an executing party, either as grantor or grantee, or otherwise, is and shall be taken and adjudged to be valid and effectual, to have passed the estate which such conveyance professed to pass of such married woman in said real estate. He thought that it was only right when it was the evident intention that the husband should be a party to the conveyance, and where he did not join through a slip or inadvertence, that the conveyance should be legalized.

Hon. O. MOWAT, while thinking the clause very sweeping, yet the Bill should go to a second reading. He thought the law was, as it was sought to be declared to be, but when Chief Justice Wilson had declared it to be doubtful, the doubt ought to be removed.

Mr. MEREDITH thought great care should be exercised before *ex post facto* laws of this kind were passed. He was afraid that many of the bills were only to meet special cases.

Mr. GIBSON (Hamilton) said he had no special case to serve, and had proposed the Bill to remove the doubts on the subject which had arisen by reason of the decision of Chief Justice Wilson.

The Bill was read a second time and referred to the Special Committee on the preceding Bill.

#### COUNTY BRIDGES.

Mr. WATERS moved the second reading of the Bill to amend the Municipal Act. It proposed to make it clear which bridges County or Township Councils were liable to maintain on county lines.

The Bill was read the second time.

#### DIVISION COURTS.

Mr. GIBSON (Hamilton) moved the second reading of the Bill to amend the Division Courts Act. The Bill relates chiefly to the issue of garnishee summonses against railway corporations whose head offices, are out of the Province. It must be remembered that garnishee summonses were issued before a judgment. Garnishee summonses were issued, in which full particulars were not stated, they were served on agents, were sent to head offices, and sometimes paid without due investigation. The Bill proposed that the summons shall show whether the claim being sued for is one for board or lodging. In all cases of doubt the practice had been to retain the amount the company were entitled to retain. The Bill proposed that summonses should be served on traffic superintendents or assistant traffic superintendents, or any grown-up person in their offices.

Mr. WHITE suggested that the Bill should provide not only for railway but for all garnishee summonses, they should issue where action arises, and might be served on the agents.

Mr. ERMATINGER said the Bill should go to committee, though it was questionable whether it was in the public interest so much as in that of railway companies.

Mr. MEREDITH thought that garnishees should be brought to the place where the action arose. He had not heard of any complaints in the law with regard to service, and though it should not be changed. He quoted the case of London to show the hardship the proposed change would work. Then he did not like the provision that costs to the amount of \$100 should be paid to the garnishee and deducted from the amount of wages due the man garnisheed.

Mr. FERRIS thought it desirable that the primary creditor should have a right of action

where the cause arose, and if any relief could be given for the innocent party by receiving the certificate he was in favour of it.

Hon. C. F. FRASER, while admitting that there were subjects in the Bill for discussion, thought there was no reason why the Bill should not go to a second reading.

The Bill was read the second time and referred to the Special Committee on Mr. Harcourt's Bill.

#### CHATELS REAL.

Mr. ERMATINGER moved the second reading of the Bill to amend the law of descent of lands and for other purposes. He contended that he had in his Bill endeavoured to do away with all distinctions between personal and real property. Since the Attorney-General had come so near this, why should not all the difficulties created by the feudal tenures be done away with. It was in the interests of the public, when they were coming so near it, that the provisions of this Bill should be adopted rather than the Attorney-General's one. The first clause proposed to make all lands chattels real. This clause was taken from the statutes of Newfoundland and found to work very well there. He proposed to do away with the right of dower entirely and give a husband and wife the same interest in real as personal property. He brought up his Bill out of no feeling of discourtesy to the Attorney-General, but from a sense that as the latter had come so near abolishing of the distinction between real and personal property, should go all the way.

Hon. O. MOWAT said the abolition of the distinction between personal and real property required a great deal of consideration. He could not recommend anything to the House which he had not thoroughly considered, and the Bill went as far as he could go. As to the case of Newfoundland, the circumstances in that colony were entirely different from those here. In that place estates had always been regarded as personal property—as chattel estates, and when a judgment was given upsetting this view it created great excitement. The law had consequently been passed to allay that. The country, he contended, was not prepared for the abolition of the wife's dower. His own principle was reform, not revolution, and the proposals of his hon. friend came under the latter denomination.

Mr. ERMATINGER then asked permission to withdraw his Bill. Granted.

#### RETURNS.

Hon. A. S. HARDY presented several returns ordered by the House.

It being six o'clock the Speaker left the chair.

#### AFTER RECESS.

##### THROUGH COMMITTEE.

The House in Committee of the Whole passed the following Bills:—

Mr. Conner—To incorporate the Ontario and Rainy River Railway Company.

Mr. Fell—Respecting the Irondale, Bancroft, and Ottawa Railway Company.

Mr. Badgerow—To incorporate the Richmond Hill Junction Railway Company.

Mr. Carnegie—Respecting the town of Peterborough.

Mr. Morin—To incorporate the South Essex Gun Club.

A proviso was annexed to the preamble of this Bill giving certain squatters right of access to the lake shore over the lands leased to the Club.

Mr. Ermatinger—To confirm the sale of certain lands by the congregation of the Church of England of the parish of St. Thomas.

Hon. T. B. Pardee—Respecting the Sarnia & Florence Road Company.

Hon. T. B. Pardee—Respecting the Debenture debt of the town of Sarnia.

Mr. Conmee—Respecting the Riverside Cemetery Company, of Port Arthur.

#### SECOND READINGS.

The following Bills were read the second time:—

Mr. Neelon—Respecting the St. Catharines & Niagara Central Railway Company.

Hon. C. F. Fraser—To confirm the sale of certain lands to Elmes Henderson.

Mr. McINTYRE moved the second reading of the Bill respecting assignments for the benefit of creditors. He said the object was to make the assignment to the sheriff, who would be the custodian of the estate. This was specially needed where goods were portable and valuable, such as watches, jewellery, &c.

Mr. MEREDITH entered an emphatic protest against the Bill, as he considered it a roundabout way of increasing the emoluments of the sheriffs.

Hon. O. MOWAT concurred with his friend, the leader of the Opposition. The clause was settled deliberately, and although in an exceptional case it might have worked badly, yet all laws in some cases would do so. It was quite out of the question to impose in all cases an assignee upon creditors, even to give them a better. The Bill was