

within that section, he also held that the claim was unaffected by the other Statutes of Limitations above referred to. It is on this latter point that it is possible a different view may be taken by the Courts in Ontario, due, in part, to the difference in the wording between the Real Property Limitation Act, s. 8, and R.S.O. c. 133, s. 23, the latter reading "No action or other proceeding shall be brought *to recover out of any land*," the words italicized not being in the English Act. In Ontario the personal liability of the debtor, and the liability of the land have, we believe, been considered as distinct, and not necessarily conterminous, nor governed by the same statute of limitations: see *Allan v. McTavish*, 2 A.R. 278; *Boice v. O'Loane*, 3 A.R. 167.

STATUTE—CONSTRUCTION—"TRANSMIT."

Mackinnon v. Clark (1898) 2 Q.B. 251, furnishes a judicial construction of the word "transmit" when used in a statute. The action was to recover a penalty. The statute in question required a candidate at an election to "transmit" within a specified time to the returning officer a return of his expenses, and it was held by the Court of Appeal (Smith, Rigby and Williams, L.JJ.) that "transmit" meant "send"; and that the depositing of the return in the post office within the time named, was a sufficient compliance with the statute, though the return did not actually reach the returning officer till after the time limited for its transmission had expired.

LANDLORD AND TENANT—PROVISO FOR RE-ENTRY.

Horse Estate v. Steiger (1898) 2 Q.B. 259, was an action by a landlord to recover possession under a proviso for re-entry. The proviso in question was to take effect if the lessees, a joint stock company, "shall enter into liquidation, voluntary or compulsory." The lessees were solvent, but voluntarily entered into liquidation for the purpose only of reconstruction with additional capital. Hawkins, J., however, was of opinion that this constituted a liquidation within the meaning of the proviso, and that the plaintiff was therefore entitled to possession as claimed.