1 & 2 Vict. c. 110, ss. 11, 13, 18, 19; but this legislation appears not to have been adopted in this Province. Estates tail are exempted (unwisely, we think,) from the recent statute which provides for land passing on the death of the owner to his personal representative. If the public were generally to learn that by entailing their real estates they could also protect them from liability to creditors, it is possible that an unwholesome impetus might be given to the creation of estates tail, a species of tenure which the tendency of modern ideas is in favour of abolishing, rather than surrounding with exceptional privileges.

The facilities which the legislature has already placed within the power of the tenant in tail of barring the entail and converting the estate into a fee simple, have practically made him the owner in fee, with this extraordinary exception, that although he himself has complete dominion over the estate in all cases as against the issue in tail, and even against remaindermen where there is no protector of the settlement, yet so far as his creditors are concerned, they can only sell an estate for his life in the land entailed. For all practical purposes of ownership his rights are absolute and unconditional, but when his creditors come to realize their debts against him he is entitled to say: You can only sell my life estate. We have no hesitation in saying that the amendment of the law should be made if the estate tail is to be continued at all. It would be far better to abolish this species of estate altogether by declaring that every tenant in tail shall be *in esse* what he is already *in posse*, viz.: the owner of the fee.

The next point to which we would crave the attention of the commissioners is the advisability of recommending the abolition of the right to consolidate mortgages. This right is a creation of equity, and one that has not inequently been a source of practical injustice. In England the right has been abolished by 44 & 45 Vict. c. 41, s. 17.

One other suggestion we have to make, and it is this, that the R. S. O. c. 106, s. 36, which provides that on the death of a deceased mortgagor his mortgage debts shall primarily be chargeable on the mortgaged lands, should, as in England under 40 & 41 Vict. c. 34, be made applicable to mortgages of leaseholds, and to liens for unpaid purchase money due on land purchased by the deceased.

Owing to the change which has recently been made in the law of descent, this amendment may not be of quite so much importance as it would formerly have been; at the same time, even now it is necessary in order properly to adjust the rights of specific devisees of the incumbered property, and those who take the undisposed of residue.

COMMON CARRIERS IN ONTARIO.

(Continued from p. 297).

THE extent to which carriers may lawfully limit their liability for negligence was exhaustively ventilated in the English courts shortly before the argument of *Hamilton* v. *The G. T. R.* here.

The English case was *Peek* v. *The North Staffordshire Ry. Co.* (10 H. L. 473); and although the issue there arose on a construction of the Railway and Canal Traffic Act, it was found necessary to examine the history of common carriers fro its common law origin onwards.

This case was not referred to in the argument of *Hamilton* v. *The G. T. R.* It is mentioned in the judgment of Draper, C.J., but no extracts are made from it.

Mr. Justice Blackburn, in giving his opinion to the House, at p. 493, says:—

"Mr. Justice Story, in his Commentaries