[It is by sec. 75 of the Assessment Act provided that, "When a sum is levied for county purposes, &c., the council of the county shall ascertain, and by by-law direct *what portion* of such sum shall be levied in each township, town or village in such county," &c.

It is by sec. 77 of the same act made the duty of the county clerk, before the fifteenth day of August in each year, "to certify to the clerk of each municipality in the county, *the total amount* which has been so directed to be levied therein for the then current year, for county purposes," &c.

It is by the same section made the duty of the clerk of the municipality "to calculate and invest the sum on the collector's roll for that year."

The notice above from the county clerk appears to be sufficient without more.

The clerk of the township may, we think, put the whole, after making the necessary calculations, in one column, to be headed "County Rate."

It is no part of the business of the county in such a case to strike the rate on the dollar.]—Eds. Law Journal.

Attachment Against a Sheriff.

To the Editor of the Law Journal.

Dear Sir,—For the benefit of myself and several others, I would feel obliged if you would explain the following:

Sec. 280 C. L. P. A. provides that in case a Sheriff has been ordered by any rule or order of the Court to return a writ, and he neglect to do so, the judge may grant a summons to show cause why a writ of attachment should not issue against him, and that on the return of the summons the judge may discharge the same or order the issue of the writ.

Now, if you will refer to R. G. No. 140 T. T. 1856, you will find that that rule runs as follows: "Rules for attachment shall be absolute in the first instance in the two following cases only: 1st, for non-payment of costs on a master's allocation; and 2nd, *against a Sheriff for not obeying a rule to return a writ or bring in the body.*"

Are there two modes of obtaining a writ of attachment against a Sheriff—(1) by *demand, rule*, and then, under the 280 sec. C. L. P. A., a summons and an order; and (2) by demand, rule, and then, under R. G. No. 140, a rule absolute for the writ?

I am, &c.,
A Law Student.

June 19, 1875.

[There seems to be an inconsistency between the section of the Act and the rule. The rule is adopted, like nearly all the general rules, from a corresponding English one, while in the English practice there is no provision similar to that in the Act. It may be that the framers of the rules did not observe the section of the statute. We are not aware of any decision in our courts throwing light on the matter; and with the thermometer rising, we are not tempted to try and form an opinion as to whether two modes of procedure were intended to exist, or whether the provision of the statute is repealed by the rule. We shall be glad to receive enlightenment on the point from any correspondent.]—Eds. Law Journal.

FLOTSAM AND JETSAM.

Rex. v. *Johnson*, Comberbach, 377. Fine or indictment for lying with another's wife prevents an action. Q.

The defendant appeared to be fined upon an indictment for seducing and living with another man's wife. North moved to charge him with an action, but the Court would not suffer that, now he comes to submit to a fine.

The criticism of Lord Chief Justice Willes on Piggott's Treatise of Common Recoveries, is not, *mutatis mutandis*, without its application to some of the text-books of the present day. "Piggott," he says, "who was as able a conveyancer as any man of the profession, has confounded himself and everybody else that reads his book, by endeavouring to give reasons for, and explain common recoveries. I only say