recent letter of this writer we did not notice, till our attention was called to it within the last few days.

If *Aliquis* had in his first letter told us what he does apologetically in his last—that he is a person not professing a knowledge of law, but who is unfortunately afflicted with the bibliomania which leads him to read a few law cases, and that he labors under the disadvantage of having so defective a legal education as to be compelled with humility to confess himself unable to understand the distinction between a suggestion on the roll, a replication, and a *scire facias*—we should never have taken what would then from the first have appeared the unmanly course of wounding the susceptibilities of acknowledged weakness. We were only deluded into the contest by the supposition that we were contending with one of equal degree with ourselves; that is, who either had or professed to have a moderate knowledge of the law However, having commenced, it is now necessary for us to conclude the controversy, such as it is; and as the subject is nearly exhausted, we purpose to finish it in this number.

Whoever reads our first article, in the August number, will see we started with the avowed object of showing, not whether *Gardiner* v. *Gardiner* would or would not ultimately be decided to be according to or contrary to law, but that it was a case of *questionable authority*, by no means impossible to be still reversed by the Court of Appeal—that the doctrine it had partially introduced, without introducing enough of the nature of chattels into real property to make the case intelligible, or a practical guide in matters naturally dependent upon although partly collateral to the very point then decided—that even if the case should happen to be sustained by the Court of Error and Appeal, it had already created and must still create great confusion of legal principle, doubt and litigation; and that until that event happen, a painful sense of insecurity must exist in the minds of those who hold titles dependent on the legal validity of that case; while if reversed, without legislative provision for the change, consequences of nearly equal magnitude must follow; and that therefore it is desirable to pass an act to reverse if possible past, present or future, actual or possible difficulties;—also showing why we believe it quite possible to frame such a statute.

If the discussion has gone further, and cleared the doubt by proving the case clearly erroneous, the fault (if it be one) is not ours, but of those who provoked the discussion; and we hardly think any lawyer or practical man who holds lands on such a title will have all his doubts removed, and rest completely satisfied in his own mind that all is as perfectly secure without any such statute being passed, as if the question were set at rest by legislative interference, merely because he is told the case is undoubtedly contrary to all legal principle, and incapable of being defended in any other manner than by attempting to galvanize into life the long defunct law of the dark ages, not only resuscitating the obsolete doctrine, "*communus error facit jus*," but even perverting it from its original use, which was to stifle judicial qualms of conscience as to deciding contrary to what the presiding judges believed to be the true principles of law, by an uninterrupted course of legal decisions of the same, or a superior, or exclusive, or at least equal tribunal, on the very point, extending back to time immemorial, and forcing the unfortunate maxim to do duty against the judges of the Court of Error and Appeal by estopping those superior court judges with the erroneous decisions upon a point recently raised upon the construction of what in law is considered a modern statute of the inferior courts, the legality or error of which very decisions of such inferior courts would be then directly under investigation, and for the express and sole purpose of rectifying which, when erroneous, such superior court was created, and alone has existence.

Or even if he should be still further informed that in the process of reasoning by which, apparently, *Aliquis* has at length brought himself to agree in substance with us on all points, except as to the validity and applicability of the maxim, "*communus error facit jus*," to the present dispute, he has convinced himself by a different mode, or at least by different words from those used by us—he meaning by "a general charge" upon the lands of the deceased debtor, precisely what we mean in saying that, supposing no judgment to have been recorded against deceased in his lifetime, "the statute does not, either before, or at, or after the death of the owner, charge the debts absolutely on the lands, so as to affect the lands before placing in the sheriff's hands the attachment or *fi. fa.* lands for execution," "or filing a creditor's bill:"—in other words, that the creditors have no lien, but a mere right to sue, and by judgment and execution obtain satisfaction out of the lands before as well as after the decease of such debtor, provided always such right has not been disappointed (as it is capable of being) by such lands having been, even after such debts were contracted, but before placing such writs in the sheriff's hands or filing such bill, sold and conveyed by such debtor while alive, or his real representative since his death. We waive all comment on the legal nature of the right or "charge," when considered with reference to the undoubted principle of law, that all persons are bound to notice the provisions of a public statute, and the manner in which it affects persons and property; and we are willing to forget that it is a contradiction in terms (*see* Toml. Law Dict. tit. "Charge"), unless you deprive the words of their meaning by defining it to be, a general, contingent, destructible charge, depen-