sions of that act shall not only be ineffectual but shall be an act of ipsolvency, rendering the estate liable to compulsory liquidation under the act (see sec 3, sub-sec. i.) If the attaching creditor has a priority by virtue of his attachment, it will be the duty of the assignee to allow it to him under sec. 5, sub-sec. 4 of the act.

I therefore order that the sheriff do amend his return to the writ of attachment issued in this matter accordingly. The costs of the plaintiff's attorney to be costs in this matter.

GENERAL CORRESPONDENCE.

Scatcherd's Cheap Law Bill.

Toronto, Feb. 25, 1865.

To the Editors of the Local Courts' Gazette.

Gentlemen,—Will you not again take up the subject of Mr. Scatcherd and his Law Costs bill or motion, and advise the profession in the matter?

Would it not be well for a meeting of attorney to be called, and a committee appointed, to draft a petition in the premises, and have it duly presented to the House of Parliament?

Something should be done.

Yours truly,

An Attorney.

[In April, 1863, we fully expressed our views on Mr. Scatcherd's Cheap Law Bill. (See 9 U. C. L. J. 85.) Our remarks then made received the approval as well of the public as of the profession. Some one, unknown to us, did us the honor of having our remarks republished in the form of a circular, and mailed to members of Parliament and others.

We had hoped that even Mr. Scatcherd would by this time have seen the folly of his pet bill. If he aspires to the dignity of half a statesman, we shall look for something better from him than this stupid piece of buncomb. It is a mistake to suppose that lawyers are especially interested in the death of such a measure. The persons really interested are the public. To cheapen litigation will be to make it more plentiful; and lawyers, like other members of the human family in the social scale, can prosper on "small profits and quick returns." If the bill, or anything half as absurd, become law, we venture to affirm that lawyers will have twenty suits for every one that is now entered in court. The profession, in a pecuniary point of view, will not suffer; but the public, whose interest it is that there should be little litigation, will be the real sufferers.

Some people are astonished that in Canada, with a population so sparse, compared with that of the mother country, suits are so plentiful—that while in some of the larger cities of England we read of two or three records at most entered for trial at an assize, we find twenty times the number in towns in Upper Canada, where the population is twenty times less than at home. The secret is, that in Canada a suit costs at least five times less than a suit in England. Then cheapen the suit in Canada by making it five times less than it now costs, and the certain increase in number is a mere matter of computation. Men of ordinary intelligence are alive to this state of things, and it is to be hoped that Mr. Scatcherd, if really in earnest, will some day or other acquire sufficient intelligence to realize the depth and breadth of his folly.—Eds. L. J.]

MONTHLY REPERTORY.

COMMON LAW.

T. T., 27 Vic.

Hogan v. Morrissey.

Judgment against executor—Action on—Plene administravit—Replication, lands—Effect of.

Action on a covenant recovered against an executor. The declaration set out a judgment recovered; alleged the issuing of a *fi fa.*, and return of "*nulla bona*," and suggested a devastavit. Plea, that in the action on which the action is founded, the defendant pleaded *plene administravit;* that the plaintiff replied lands, on which judgment was given; that the lands were assets in the hands of the defendant as executor. The defendant then avers that the lands are sufficient, and that plaintiff has not proceeded against them.

Demurrer to pleas, on the ground that where judgment has been recovered, and a devastavit shown, it is not a sufficient reason to excuse the defendant from personal liability, that the plaintiff has obtained a judgment to recover of the lands of the testator.

Held, that the replication of lands is a full admission of the truth of the plea of plene administravit; that the plaintiff, by his replication to the former action, being estopped from setting up a devastavit now, the defendant is at liberty to show the true state of the case, to save himself from personal liability; that the replication (of lands) commonly used since *Gardiner* v. *Gardiner*, is both illogical and unnecessary. (14 U. C. P. 441.)