

AN
ECONOMIC CONSIDERATION
OF THE
IRISH JUDGMENT ACTS:

A PAPER READ BEFORE

THE DUBLIN STATISTICAL SOCIETY:

BY

THE HONORABLE JOHN P. VEREKER,

BARRISTER AT LAW.

DUBLIN:

PUBLISHED FOR THE SOCIETY BY HODGES AND SMITH,
104, GRAFTON STREET.

1849.

DUBLIN STATISTICAL SOCIETY.

President :

HIS GRACE THE ARCHBISHOP OF DUBLIN.

Vice-Presidents :

MOUNTIFORD LONGFIELD, Esq. Q.C. LL.D.	THE EARL OF ROSSE,
CAPTAIN THOMAS A. LARCOM, R.E.	THE BISHOP OF CORK.

Members of Council :

SIR ROBERT KANE,	JAMES HAUGHTON, Esq.
W. COOKE TAYLOR, LL.D.	W. T. MULVANY, Esq.
ROBERT BALL, Esq.	SURGEON WILDE,
JOHN K. INGRAM, Esq. F.T.C.D.	ROBERT VANCE, Esq.
PROFESSOR APJOHN, M.D.	STEWART BLACKER, Esq.
PROFESSOR ALLMAN, M.D.	JAMES W. MURLAND, Esq.

Treasurer :

CONWAY E. DOBBS, JUN. ESQ., 10, Henrietta-street.

Secretaries :

JAMES A. LAWSON, LL.B., 41, Lower Baggot-street.
PROFESSOR HANCOCK, LL.B., 40, Trinity College.

THIS society was established in November, 1847, for the purpose of promoting the study of Statistical and Economical Science. The meetings are held on the third Monday in each month, from November till June, inclusive, at 8, P. M. The business is transacted by members reading written communications on subjects of Statistical and Economical Science. No communication is read unless two members of the council certify that they consider it accordant with the rules and objects of the society. The reading of each paper, unless by express permission of the council previously obtained, is limited to half an hour.

Applications for leave to read papers, should be made to the secretaries at least *a week* previous to the meeting.

Proposals of candidate members should be sent to the secretaries at least *a fortnight* previous to the meeting.

The subscription to the society is one pound entrance, and *ten shillings* per annum.

An Economic Consideration of the Irish Judgment-Acts. By the
Hon. John P. Vereker, Barrister-at-Law.

GENTLEMEN,—It is impossible for any one to view the present social state of Ireland, and to read the evidence that has been from time to time published by the numerous parliamentary committees who have examined the causes of her present deplorable condition, without feeling that a great portion of those evils are attributable to the present embarrassed condition of the landed proprietors.

It has frequently been asked, Why have the landlords of Ireland so deeply encumbered their estates? and why do they not now, by a sale of a portion of their property, release the remainder from their creditors? The last question has already been partly answered by the able papers read before this society, by Professor Hancock and Dr. Longfield, upon “the legal difficulties that impede the transfer and sale of landed property” in this country; but as I feel it would be quite impossible for me, in the short time during which I intend to trespass upon your indulgence, to give anything even approaching to a satisfactory answer to the remainder of these questions, I propose to confine myself altogether in this paper to the economic effects of the judgment acts as they exist in Ireland.

A judgment was formerly, as its name implies, a debt recovered, or damages awarded in the King’s Court, by virtue of which the creditor could only seize the goods and chattels of his debtor under a common execution, or the growing fruits and profits of the land under a writ of *levari facias*; but a more extensive remedy was soon provided for the creditor. The statute of Westminster 2, (13 Edw. 1. c. 18.) enacted, that when a debt was recovered, or *acknowledged*, in the King’s Court, or damages awarded, it should be in the election of the creditor to have a writ of *fieri facias* to the sheriff to levy the amount, by the sale of the goods of the debtor, or the profits of his land; or that the sheriff should deliver to the creditor all the chattels of the debtor (except his oxen and beasts of the plough), and one half his lands, until the debt was levied, upon a reasonable price or extent. In pursuance of this statute, the writ of *elegit* was framed, by which a judgment became a *lien* on *freehold* estates, so as to enable the creditor to get possession of half his debtor’s lands, and to give him priority of any conveyance subsequently made. To save the expense of an actual process, the defendant, in an

action to which he had no defence, often authorised, by a warrant, certain attorneys to confess the debt in a court of record; upon which judgment was entered up, and a writ of execution sued out *instanter*. As no distinction was made between a judgment so obtained and one obtained in an actual action, a mode of security was suggested, which was soon extensively adopted.

By these means the greatest facilities were afforded—I might almost say temptations were held out—to the landed proprietor, to borrow money by this short and unexpensive process; and that which had been originally intended for the benefit of all parties, and for the maintenance of justice, became at last to the inexperienced, the extravagant, and the unwary, a stumbling-block, a pitfall, and a snare.

A judgment can now be registered, and instantly becomes an actual charge upon all lands, tenements, rectories, tithes, rents, and hereditaments; and all estates legal or equitable, in freeholds, copyholds, or leaseholds, of which the debtor is, or at any subsequent period may become entitled to, in possession, remainder, reversion, or expectancy, or over which the party has a general power; and which is to be binding upon such party, and all parties claiming under him after such judgment. A judgment, in fact, is at present (under 5 & 6 Wm. IV. c. 55.) a specific lien—an actual charge—binding, with scarcely an exception, every thing on earth in which the debtor is beneficially interested.

Thus, at a trifling expense, seldom exceeding a few pounds, a landlord is enabled to borrow large sums of money (generally composed of numerous small ones), without having to undergo even a short delay, without having to prepare or study any solemn deeds or instruments, to remind him that he is taking a most important legal step, and binding, in the firmest meshes of the law, all his present and future estates and interests.

Every facility is, therefore, afforded to a man who is naturally prodigal to pursue his career of extravagance. When the interest becomes due on the first judgment, it will be paid, perhaps, by a second; this will be done again and again, till numerous small judgments have accumulated. And, as the debtor awakes to his condition, and becomes really anxious to put his shoulders to the work, and to clear himself from his difficulties at any sacrifice, he will discover, too late, that the more he struggles to free himself from the meshes that encircle him, the more firmly he becomes entangled in their toils.

Let us assume a case, and not a very uncommon one, in which the debtor is unable to borrow a sum of money to pay off the charges affecting his estate. A bill for a sale under the Court of Chancery will probably be filed against him at an enormous cost. To this all the judgment creditors, no matter how trifling their claims, must be made defendants. A receiver will be appointed pending the suit. He will be extended by the other creditors to their judgments, often for the sake alone of accumulating costs.

The receiver will be unable to exercise the most ordinary discretion in the management of the estate, without applying to the court, or the Masters in Chancery, for their approbation, and serving notice upon the different parties in the matter. All this will add to the expense; while at the same time the estate will fail to pay the receiver anything like the ordinary amount of the annual rent, for reasons with the consideration of which it is proposed to conclude this subject. In the midst of all these difficulties, the unfortunate proprietor will fly for assistance to the Incumbered Estates Bill; but he will find that he is precluded from its benefits by the sixth general order of the Court of Chancery, because "a receiver has been appointed over the said lands, or some part thereof,"* and that in fact the advantages of the Incumbered Estates Bill are not extended to the cases, of all others, in which its provisions would be the most valuable. He will find that he is bound hand and foot, and surrounded on every side with insurmountable legal difficulties.

Here all the principles of economic science are exactly reversed. Wholesome restraints upon borrowing ought to place some obstacles in the way of the prodigal and the spendthrift. They should give him time to reflect, and induce him, before it be too late, to become prudent and economical; and every facility should afterwards be afforded to him to retrieve his fortune, to pay off his debts, to mend his extravagant habits, and become again a useful member of society. But at present, as soon as a man becomes embarrassed, almost insuperable obstacles are thrown in the way of his redeeming his estate; and these difficulties hurry him on to ruin, exactly in the inverse proportion in which he is able to resist their effects; like a man vainly struggling in the waves against the influence of the current, that is rapidly drawing him on with multiplying power into the yawning abyss.

Let us take another example that occurs every day:—a man with numerous judgment debts takes a town house for a term of years at a rack-rent, paying perhaps £50 fine. Having enjoyed it for a year or two, he wishes to reduce his expenses and to part with his house. He is offered £100 for it; but many judgment debts are registered against him, and he is unable to make a good title. A release from the different judgment creditors would cost perhaps £400 to £500; † and a deed of indemnity, even if it were worth anything, would never enable the purchaser to make a marketable title to his house, and would add another burden to those that already weigh so heavily upon him. He will then offer to surrender it to his landlord, who will be unable to accept the surrender, in consequence of the judgments which would still continue to effect it; and an ejectment brought against him after the

* See the 8th Section of the 6th General order of the Court of Chancery of the 13th of January, 1849.

† See Appendix H. s. 1.

lapse of more than a year, and at heavy costs, will be the only means by which he can ever get rid of the house; but, under all these difficulties, he will be far more likely to continue to keep it; thus adding to his heavy liabilities another unnecessary expense.

Some rational reasons may be assigned for the fact of judgments' binding all the property which the debtor was possessed of, or entitled to, in remainder, reversion, or expectancy, at the time the judgment was registered; for he might, and probably did obtain credit on the security of this very property; but why should judgments bind after-purchased or acquired estates? It is evident that the judgment creditor could never have speculated upon them; and its effect is to clog and impede the free transfer of land, without conferring any commensurate benefit upon any one. An embarrassed man may sometimes be able to purchase a property considerably under its real value, from particular means of information, or facilities he may possess. And for the same reasons, he might sell it again to great advantage, and apply the profits to the payment of his debts, from which in time he might completely release himself, as merchants and traders so frequently do by analogous means; but this is quite impossible in consequence of the Judgment Acts. He must apply the entire purchase money he receives from the sale of his property, to the payment of his judgment debts; and should it be insufficient to satisfy the whole of them, he has no possible power of selling the estate, except by obtaining a release from all the judgment creditors, which is sometimes impossible—always difficult and expensive—or by a bill in equity, with all its uncertainties, expenses, and delays.

A man with several judgments affecting his estate cannot, without all these harassing inconveniences, (which practically render it almost impossible) sell a portion of his estate, even though the purchaser himself should pay the purchase money to the judgment creditors, according to their respective priorities. He must sell enough to *pay all*.

These consequences will appear far more important, if we consider their economic effects.

The prodigality of the landed proprietors does not appear to some of any consequence whatsoever to the community, because, it is said, where one man loses, another man must gain; and as extravagance increases, in general, in proportion to the wealth of the individual, the only effect of the judgment act is, to break up large estates, and to divide among many the territory formerly enjoyed by one alone. But this will appear perfectly fallacious, if we examine the economic principles upon which such a conclusion ought to rest. But before we do so, we ought to remember, that the destruction of a dangerous and proud aristocracy is now no longer necessary for state purposes, as it was in the reign of Henry VII. (when some of the laws relating to the entail of real property were relaxed for this purpose); and that the great pro-

prietors of this kingdom are no longer antagonistic to the crown or constitution, but, on the contrary, rally round the sovereign in the hour of danger, and prove in the hour of trial the firmest bulwarks of liberty. But this is a political consideration which it is unnecessary to canvass, and we will therefore resume the question we were considering, and enquire into the effect the embarrassment of the landlords of a country produces upon the wealth of the community at large.

However habituated we are to view extravagance with admiration, and penuriousness and stinginess with disgust, and however justly we may pardon the one vice in private society, and loathe and stigmatise the other, the prodigal is, nevertheless, an enemy to the mass of the inhabitants of a country ; while the miser whom we abhor, and whose every thought is concentrated upon self alone, feeds and clothes and supports many more members of the community than the other.

An extravagant gentleman, with few exceptions, spends his income in an unproductive manner. After he has spent £2,000 or £3,000, nothing remains—it is all gone—vanished. The persons he employs are unproductive labourers ; livery servants, coachmen and grooms, cooks, tailors, hairdressers, &c., who produce nothing except what is intended for immediate consumption. The remainder of his money is spent upon foreign wines, splendid balls, horses, hounds, and a thousand other ephemeral pleasures, that are soon consumed, and pass away like the unsubstantial fabric of a dream, leaving no trace behind of their ever having existed. This is the manner in which almost every independent gentleman's income is spent ; and when he becomes indebted, and raises small sums of money at a time (for which judgments afford so many facilities), the loans he obtains in this manner are generally spent as *income* also. This money is advanced to him by some capitalist, who withdraws it from some other source, or profitable investment, and, being generally unproductively consumed by the borrower, that portion of the capital of the country is completely annihilated. But, on the other hand, where a landed proprietor requires a large sum of money, to be productively employed in the purchase of an estate, he will raise it always—not by a judgment—but by a mortgage of his property. A large sum of money raised in this manner is generally expended not as “income,” but—as “capital.”

We will now revert to the miser. His savings will of course be spent in such a manner as to enable him to obtain a profitable return for the use of his money. It will perhaps be lent at interest to the extravagant landed proprietor already mentioned, and be squandered by him ; but still it supplies the place, and saves the amount of the capital that would otherwise have been withdrawn from commerce, or from some other profitable employment, and lent to, and annihilated by him. If invested in commerce or trade, it will be directly employed as capital ; and if invested in

the funds, it must displace an equal sum that will be productively employed. From this it will appear that the sum of money spent as *income*, feeds a great number of persons for a short time, but that the same sum spent as capital will be applied, directly or indirectly, to the feeding of labourers, to the production of wealth, and to the advantage of the community, for a period of incalculable extent.

If these principles are correct, it will follow that it is not the spendthrift alone who suffers by his folly, but that the community sustains a loss of capital equal to the value of the fee-simple of his property, or to the gross amount of his debts.

But how is this to be remedied? Is not the landlord to be permitted to spend his income as he likes?—Certainly; but the laws ought not to hold out inducements to a man to spend his money in the way most detrimental to the community. The transfer of land ought to be facilitated as much as possible; and a man who has no taste or talent for a country life, who does not understand the management of landed property, and who is anxious to live in town, ought to be able to change places with a merchant or a trader, who is desirous, after the toils of an anxious life, to assign his business to another, and to retire for the evening of his days to the peace and seclusion of the country. A man ought to find it as easy—easier—to sell his land, than to incur it. The purchase money of an estate will seldom be spent (even by a prodigal, who will then *feel* that he has nothing more) in lavish profusion. A part of it at any rate will be generally invested in some security for his future maintenance.

It does not, however, always follow that an extravagant landed proprietor is an extravagant man. The contrary is very frequently the case. It is the possession of the land “that made him poor at first, and keeps him so;” and ‘till he is able to free himself from the incubus, there is little probability of his rising out of his difficulties.

Haud facile emergunt, quorum virtutibus obstat
Res angusta domi.

A gentleman brought up among expenses and profusion of every sort, and who afterwards inherits a magnificent mansion and an extensive domain, however deeply incumbered his estate may be, will seldom possess resolution enough to contract his expenditure to meet the exigencies of his finances. He is surrounded by a host of old retainers, who continue to neglect or to waste his property. He possesses a splendid fortune, but he seldom reflects on the small portion of it which he is entitled to call his own. He confounds a rental on paper with a rental actually paid. He possesses a certain station in the county, and a place in society he is anxious to keep; a splendid house, gardens, and demesne, which he has every inducement to preserve in good order and condition: a numerous retinue of servants, horses, and carriages, and

all the "pride, pomp, and circumstance" of wealth, with which he cannot dispense without feeling that it will be construed by the neighbourhood into a tacit admission of his previous folly. Few men possess resolution enough to grapple with these difficulties; and accordingly we find that an estate, like a kingdom, seldom pays off its "national debt."

Thus the energies of the landlord are completely paralysed—for "chill penury has frozen the genial current of his soul"—and, sunk into gloomy apathy, or overwhelmed with hopeless despondency, or weighed down with misfortune, or plunged into despair; or crippled with the difficulties, or dismayed by the magnitude, or haunted by the apprehensions of the dangers that surround him,—heart broken, he continues to pursue the old course, 'till ruin and bankruptcy extinguish his career. The inducements for a landed proprietor to run into debt are, therefore, sufficiently numerous already, and sufficiently prejudicial to the general interests of the kingdom, without their being aggravated by the judgment acts; and the heavy interest offered by the prodigal is already quite sufficient temptation to the tradesman or merchant, to remove his money out of the productive capital of the country, without additional facilities being afforded by the legislature.

Many advantages result to the commonwealth from the frequent and unfettered sale of landed property. Each new purchaser will spend money in developing its resources and in improvements; as well as in winning a favourable opinion from the tenants. This will happen, no matter how often it changes hands. The tradesman will then no longer look with jealousy and envy upon the squire; and the distinction between the "Agricultural" and the "Commercial interests" will be almost obliterated; for every industrious person will feel that he can become a landed proprietor whenever he likes. Land will become a mercantile commodity; it will no longer be a monopoly. Two brothers of different tastes will embark their fortunes, the one in trade, the other in land, according to their respective tempers and capacities. An embarrassed man will sell his estate, invest the balance in commerce, (instead of spending it in law costs) and perhaps, after a season, repurchase his patrimony: and the industry of the tenant will be stimulated, for he will feel that he may, with moderate exertions, become the lord of his own farm.

Nunc ager Umbreni sub nomine, nuper Ofelli
 Dictus, erit nulli proprius, sed cedit in usum
 Nunc mihi—nunc alii.

As the lands are divided and sold in small allotments, (as they are in China) every inch of land will be cultivated to the highest pitch. The extensive game preserves will then re-echo with the shepherd's pipe; barren mountains and unprofitable wastes will then rival the fertile valleys; and the voice of poverty and disaffection will be drowned in accents of gratitude, thankfulness, and joy.

On the other hand, when a landlord is heavily embarrassed, and unable to extricate himself from his difficulties, in consequence of the operation of the judgment acts, he will not only be unable to spend money improving his estate (even if it were still in his own possession), but he will be naturally discontented and disaffected—an evil so prejudicial to the peace and prosperity of a country, that it was the principal cause of the abolition of lotteries in the United Kingdom.

Before considering the remedies for this state of things, it will be necessary to review the economic effect of receivers under the judgment acts. They are obtained with the greatest facility, and at enormous ultimate expense to the debtor. They will be appointed pending a suit in Chancery, and for the payment, as well of the interest, as of the principal of a judgment; and the costs incurred are so great, that a dishonest attorney will often lend money upon a judgment, or buy up one of trifling amount, for the sake of proceeding under the judgment acts, and accumulating from £35 to £50 costs in the appointment of a receiver.

The mode of appointing a receiver is as follows: *—The creditor presents a petition under the judgment acts, accompanied by affidavits stating the amount due, &c. The court then orders a reference to the master, “to approve of a fit and proper person to be appointed receiver over the rents, issues, and profits of the lands” in question. Notice to attend before the master must then be served upon the different parties. The master having approved of a receiver, a report is prepared on a £1 ls. stamp, which is signed by him. Exceptions are sometimes taken to the report; and it is sent back by order of the court to the master to be reconsidered. This causes great additional expense, as the whole proceedings must be commenced again *de novo*. After various other proceedings, the report is finally confirmed; and the receiver recommended by the master is absolutely appointed, upon his entering into the necessary security by recognizance for the due discharge of his duties.

To the end of this paper a schedule of the costs usually incurred in the appointment of a receiver has been appended, † as well as some other schedules of costs in matters under the judgment acts, which are necessary for the clear elucidation of this subject; but it must be borne in mind, that where the parties are very numerous, or where the appointment of a receiver is resisted, there are scarcely any limits to the costs that may be incurred; delays in the court, also, from press of business and various other causes, add greatly to the expense as mentioned below.

But the costs incurred are the least injurious effects that result

* The *legal* proceedings “for the appointment of receivers under the judgment acts,” are clearly and concisely stated in a small work of great merit, by John F. Reilly, Esq. Barrister-at-law.

† See Appendix, A. B. C. and D.

from the appointment of a receiver. The tenants are deprived of the superintendance of a resident landlord; and a person who seldom knows or cares any thing about the management of an estate—some person who is unacquainted with the wants and characters of the tenants—“some king who knows not Joseph”—takes the place of the experienced land agent, whose feelings and associations have been, for a number of years, blended with the locality. The tenants are no longer indulged, or pressed for their rents according to the exigencies of each particular case. They are governed by the inflexible rules of the Court of Chancery*—not by *the heart*. The receiver is obliged to apply to the court for permission to exercise the most ordinary functions of discretion; and all the judgment creditors who have extended the receiver are entitled to appear at heavy costs—all payable out of the debtor's estate. The receiver is generally careless, fond of accumulating costs, and opposed to many of the prejudices of the tenants. The result is, that the tenants become discontented and impoverished, that arrears accumulate to an amount scarcely credible, the rental is diminished, and all the losses fall still upon the unfortunate debtor. This is so common an occurrence, that when an estate is grossly mismanaged in this country, it is proverbial to say, “It is under the Courts.”

Several statistical tables are appended, showing the rental of the estates over which a receiver was appointed in the different counties of Ireland, and the arrears due when the receiver was appointed, and the arrears due when he last accounted. These tables cannot be laid aside after a passing glance. They must be studied. Two or three facts, however, will prove the importance of the results that will follow from their perusal:—

1st. After the lapse of eight years (from 1836 to 1843 inclusive), the estates in the Chief Remembrancer's office owed £20,000 more arrears than when a receiver was appointed; and the costs paid by the receiver, and allowed to him in his account, amounted to £10,000, making a total loss to the creditor and debtor of £30,000, besides receiver's percentage, (£5 per cent).

2nd. In the Court of Chancery the average of three years is as follows:—

Arrears due by estates when the receiver was appointed, £27,000. When receiver last accounted, £312,000. Costs paid by, and allowed to receiver in his account, £20,200 a year, besides receiver's percentage. It is not clearly stated, but I presume that the subjoined tables do not include among the arrears the bad debts that arise from the insolvency of tenants, default, &c. and losses that arise from default of receiver and his sureties, of which an example occurred lately, by which several families were severely injured; and as the rentals of estates are often lowered by

* *e. g.* He cannot distrain 'till five months after rent has become payable, &c.

the court after the appointment of a receiver, these arrears can scarcely arise from the lands being let at too high a rent.

3rd. In the county of Cork, the gross arrears due by the estates over which receivers were appointed in 1841, amounted to £2,500; the arrears due last time receiver accounted, to £21,500; and the costs allowed to him, to £2,000; making a total loss,* to both creditor and debtor, of £21,000 in one single county in Ireland.

These are by no means extraordinary facts; many examples far more startling will be gathered from a perusal of the subjoined statistical tables.

But upon whom do all these losses fall? They fall first upon the proprietor; and secondly upon the capital of the country: for the arrears result not from the unwillingness of the tenants to pay, so much as from their inability. One farmer has been obliged to sell his seed oats; another farmer to part with his manure heap, or his plough; and both to leave their lands uncultivated, because they had met temporary reverses; and the receiver was not able to "give them time, 'till they should pay all." This loss falls on the capital of the country; for the produce of the land is not so great, and the food fund of the country sustains a permanent diminution.

Other parties suffer serious damages and inconvenience from the appointment of a receiver. Take the case of a tenant who has a valuable interest in his farm, and over which a receiver is appointed by the court, at the suit of one of the tenant's creditors. Both tenant and receiver sometimes neglect to pay the landlord his rent 'till four or five years' arrears have been accumulated; upon which the landlord brings an ejection against the defaulting tenant; but an attachment is at once sent down to the sheriff by the Court of Chancery, and the landlord is thrown into prison for contempt of court, because he has ignorantly exercised a legal right against his defaulting tenant.

The creditor also sustains much injury. The estate is often swallowed up in law costs; and his interest *and principal* being doled out to him by the receiver in small sums, at different intervals, he has great temptations to spend the entire as income, and not as capital. But on the other hand, if three or four years' interest were due to a person, and were paid to him *in a lump with the principal of his money*, he would have great inducements to invest the whole of it as capital.

It would then appear, upon economic principles, that receivers under the judgment acts are injurious to the prosperity of a country, and ought to be entirely abolished; though, on the other hand, they could scarcely be dispensed with in the case of lunatics, infants, contempt of court, or fraud. Judgments should also be again restored to what they were originally by the common law of

* *Practically, arrears are seldom recovered in Ireland.*

the country,—a debt or damages actually recovered in a Court of Record. To secure this, a judgment should be placed, in respect of real property and chattels real, upon the same footing it now holds in respect to mere personal or moveable chattels, and that it did hold in respect of leasehold property before the late act—that is to say, it should not bind property of any description, except from the time execution was sued out, and the writ *delivered* to the sheriff. The sheriff should have the power, in case the personal property was insufficient, or unattainable, to seize and sell an adequate portion of the real property of the debtor, of every description, including equities of redemption, advowsons, and estates in remainder or reversion. This was Mr. Measure's opinion;* and Mr. Senior, in his evidence before the Real Property Commission, among the improvements in the laws of real property, suggests—"to prevent judgments, crown debts, and other general incumbrances, from binding before execution." Sir Edward Sugden also condemned the working of the judgment acts.† The priority of judgments ought to depend upon the time when the writs were respectively delivered to the sheriff for execution. Before purchasing a property, the purchaser could get a certificate from the sheriff that there was no execution lodged with him; and thus a tedious and expensive search would be dispensed with.

The above observations will apply equally to crown debts, decrees, orders in bankruptcy and lunacy, costs, &c.

A landed proprietor would then be compelled to borrow the sum of money he required, upon a mortgage of a *commensurate portion* of his property; leaving the remainder free and unfettered. Of course, a judgment creditor in this case would not be placed in a better situation than at present: he would therefore have to redeem any prior mortgage affecting the debtor's land, before he would be entitled to sell it; and the sheriff should have the power of raising both the redemption money and the judgment, by a sale of the estate. Where there was a covenant upon the part of the mortgagor, not to pay off the mortgagee for a certain number of years, the land could be sold before the expiration of the term,

* Report of Real Property Commissioners, vol. 1, p. 606.

† "Lord Alvanley expressed himself as feeling a great disinclination to lay down the rule generally, that it is necessary to bring all judgment creditors before the court; and I myself feel strongly the difficulty; for, notwithstanding all that has been observed, if the inconveniencies resulting from such a course are considered, it is impossible not to perceive that if all judgment creditors not only may but must be made parties in a suit of this kind, *there is scarcely an estate involved to any extent in which the greater part of the property will not be swallowed up in costs* I feel so deeply impressed with the inconvenience which may result from this decision, that *it will be my duty to consider whether I ought not to recommend the legislature, if necessary, to interfere, so great may be the expense and trouble imposed upon landed proprietors; so great the difficulty in effecting sales under the decree of this court, in consequence of this decision.*"—Sir Edward Sugden's Judgment in *Rolleston v. Morton*. 1 Dru. & War. 171.

subject to the mortgagee : and judgments collateral with a mortgage would, of course, be entirely abolished.

It is not by any means clear, upon economic principles, whether the mortgage of an equity of redemption ought to be permitted. The proprietor could either borrow a sum, equal to the first mortgage, *plus* the sum he wished to raise ; or he could obtain that sum by a sale of his land, subject to the original mortgage. This, of course, presumes many facilities for the sale of property that do not at present exist.

These laws would place wholesome obstacles in the way of extravagance and prodigality, which, we have already seen, are not only hurtful to a man and his family, but injurious also to the community at large : for extravagance generally arises from the desire of gratifying family pride or ostentation, and these influences will be more than counterbalanced, by the mortification his vanity will receive, in consequence of his being obliged immediately, for the gratification of his selfishness, to transfer to another the inheritance of his fathers ; and to *feel* that his lands are passing away to strangers, and that his name shall shortly be heard no more.

APPENDIX .

APPENDIX A.

The following Schedules have been furnished to me by a solicitor of eminence. They contain the costs usually incurred in similar cases.

Petitioner's costs of appointing a Receiver under the 5 & 6 William IV. chap. 55, and the 3 & 4 Vict. c. 105, where Respondent *does not* show cause or appoint a Solicitor.

		£	s.	d.
Hawk,	}	Attending petitioner and taking his instructions to		
<i>Petitioner.</i>		have Receiver appointed	0	6 2
Dove,	}	Search for judgment and taking abstract to enable		
<i>Respondent.</i>		me to prepare petition	0	6 2
Drawing and engrossing petition		0	12	4
Signing by solicitor		0	3	1
Paid Clerk of Appearance signing same		0	6	2
Attending him		0	3	1
Drawing draft affidavit verifying petition, 9 sheets		0	4	6
Fair copy		0	2	3
Engrossing		0	2	3
Chancery fund		0	2	6
Signing		0	3	1
Attending petitioner reading over same previous to swearing		0	6	2
Paid swearing		0	2	6
Copy to attest		0	1	0½
Paid filing and attesting		0	8	3½
Attending		0	6	2
Attending to lodge affidavit and petition with secretary		0	6	2
Paid him thereon		0	12	6½
Drawing and engrossing further affidavit		0	4	0
Chancery fund		0	2	6
Signing by solicitor		0	3	1
Copy to attest		0	0	3
Paid filing and attesting		0	3	8½
Attending		0	6	2
Attending secretary for fiat on petition, which directed usual notice to be served on respondents		0	6	2
Draft notice accordingly		0	2	4
Three copies		0	1	6
Letter of instructions to process-server with same		0	3	1
Postage thereof		0	0	4

	£	s.	d.
Paid service on respondents in the County of Galway	1	0	0
Received letter from process-server with particulars of service.			
Drawing draft affidavit of service, 8 sheets	0	4	0
Fair copy	0	2	0
Engrossing	0	2	0
Chancery fund	0	2	6
Signing by solicitor	0	3	1
Letter to process-server therewith	0	3	1
Postage thereof	0	0	2
Paid swearing	0	2	6
Postage letter returning same	0	0	4
Copy to attest	0	0	11
Paid filing and attesting	0	7	7½
Attending searching if cause shown, when I found not, and to bespeak certificate	0	6	2
Paid for certificate of "no cause"	0	2	4
Draft brief for counsel to apply for order, 4 sheets	0	6	0
Copy for counsel	0	8	0
Fee to Mr. Vereker	1	1	0
Attending him	0	6	2
Attending court order granted	0	6	2
Motion docket	0	3	0
Attending to bespeak order	0	6	2
Drawing docket for master	0	3	1
Attending Clerk of Appearance therewith	0	3	1
Paid for Order	0	12	4
Copy for use, 11 sheets	0	2	9
Copy order to lodge in Master's office	0	2	9
Attending to lodge same	0	6	2
Notice pursuant to 115th general rule	0	2	4
Three copies	0	1	6
Paid for summons	0	13	0
Filing same	0	3	1
Three copies for service	0	1	6
Letter of instructions to process-server	0	3	1
Postage thereof	0	0	4
Paid service	1	0	0
Drawing draft affidavit service, 8 sheets	0	4	0
Fair copy	0	2	0
Engrossing	0	2	0
Chancery Fund	0	2	6
Signing by solicitor	0	3	1
Letter of instructions to process-server	0	3	1
Paid postage	0	0	2
Paid swearing	0	2	6
Postage of letter returning affidavit, summons, and notice	0	0	6
Copy affidavit to attest	0	0	11
Paid filing and attesting	0	7	7½
Attending	0	6	2
Letter to petitioner to know whom I should propose as receiver	0	3	2
Received letter from him stating that Mr. Snooks would act as receiver	0	0	0
Drawing undertaking for Mr. Snooks to sign	0	3	1
Letter to him therewith, and postage	0	3	2
Attending pursuant to summons: not called on	0	3	1
Like this day, when the Master directed the draft of his report	0	6	2
Drawing draft Report accordingly, 6 sheets	0	6	0
Attending the Master therewith when he initialed same	0	6	2
Chancery fund on report	1	1	0

	£	s.	d.
Paid the Master's Clerk thereon	0	3	0
Attending to bespeak, and for attested copy	0	6	2
Paid for same	0	7	1
Copy for use	0	1	6
Letter to Mr. Snooks informing him he was approved of as receiver, and directing him to have his recognizance prepared	0	3	2
Attending pursuant to summons when receiver's sureties approved of	0	6	2
Drawing Costs			
Copy to lodge	0	7	0
Attending to lodge same	0	6	2
Chancery fund on summons to tax	0	13	0
Filing same	0	3	1
Chancery fund on costs	0	10	6
Attending Taxation	0	6	2
Total	£23	15	2

APPENDIX B.

Receiver's costs on perfecting his recognizance, and order on the tenants to pay their rents to him. :

	£	s.	d.
Hawk, } Attending receiver and taking his instructions Petitioner. } for his recognizance	0	6	2
Dove, } Respondent. } Chancery fund on summons to approve of receiver's sureties	0	13	0
Two copies	0	1	0
Service	0	1	0
Instructing service	0	3	1
Notice of sureties' names	0	2	4
Two copies	0	1	0
Service	0	2	6
Instructing service	0	3	1
Attending pursuant to summons when sureties approved of	0	6	2
Drawing and engrossing recognizance	0	12	4
Stamp duty thereon	1	15	0
Attending the Master to get same approved of, previous to same being acknowledged before a Master extraordinary	0	6	2
Attending before Master extraordinary at Scariff, in the County of Clare, when recognizance entered into	0	6	2
Paid him his fee thereon	1	1	0
Attending to file recognizance	0	6	2
Paid filing fees	0	14	7½
Solicitor's fee on side-bar rule that tenants do pay their rents to receiver	0	3	1
Paid for same	0	7	2
Copy order for service on tenants, for printer	0	2	0
Attending him	0	3	1
Paid for printing same	0	3	6
Letters to receiver with copies of order for service on tenants and instructions for service thereof	0	3	1

	£	s.	d.
Postage thereof	0	0	4
Paid service of order on tenants	1	1	0
Instructions for affidavit of service	0	6	2
Draft affidavit	0	3	0
Copy	0	1	6
Engrossing	0	1	6
Chancery fund	0	2	6
Signing by solicitor	0	3	1
Letter to receiver therewith	0	3	1
Postage	0	0	2
Swearing before Master extraordinary	0	2	6
Total	10	7	6½
Add expense of appointing receiver	23	15	2
Total expense	£34	2	8½

APPENDIX C.

Receiver's general costs as to management of the property.

	£	s.	d.
Hawk, } Instructions to apply for order to let lands in	0	6	2
Petitioner. } possession of respondents	0	3	0
Dove, } Draft affidavit to ground motion	0	1	6
Respondent. } Copy	0	1	6
Engrossing	0	1	6
Chancery fund	0	2	6
Signing by solicitor	0	3	1
Letter to receiver therewith	0	3	1
Postage	0	0	2
Swearing before Master extraordinary	0	2	6
Copy to attest	0	0	10
Paid filing and attesting	0	5	8
Attending	0	6	2
Notice of motion	0	2	4
Four copies for service	0	2	0
Letter to receiver with same, and instructions for service thereof	0	3	1
Postage thereof	0	0	4
Paid service	1	0	0
Instructions for affidavit of service	0	6	2
Draft affidavit, 7 sheets	0	3	6
Copy	0	1	9
Engrossing	0	1	9
Chancery fund	0	2	6
Signing by solicitor	0	3	1
Letter to receiver therewith	0	3	1
Postage	0	0	2
Swearing before Master extraordinary	0	2	6
Copy to attest	0	1	2
Paid filing and attesting	0	6	11½

	£	s.	d.
Attending	0	6	2
Draft brief, 4 pages	0	6	0
Copy for counsel	0	8	0
Copy notice	0	0	6
Fee to Mr. Vereker	1	1	0
Attending him	0	6	2
Attending court, order granted	0	6	2
Motion docket	0	3	0
Attending to bespeak order	0	6	2
Paid for same	0	8	9
Copy order for service on respondents	0	1	6
Letter to receiver therewith	0	3	1
Postage	0	0	4
Paid service of order	0	10	6
Instructions for affidavit of service	0	6	2
Draft affidavit, 8 sheets	0	4	0
Copy	0	2	0
Engrossing	0	2	0
Chancery fund	0	2	6
Letter to receiver therewith	0	3	1
Postage	0	0	2
Swearing before a master extraordinary	0	2	6
Copy to attest	0	1	0
Paid filing and attesting	0	7	7½
Attending	0	6	2
The respondent not having sent in a proposal for land in his possession,			
Copy order to lodge in the Master's office	0	2	0
Attending to lodge same	0	6	2
Drawing draft posting	0	3	0
Engrossing	0	1	0
Chancery fund	1	1	0
Attending the Master when he signed same, and directed insertion in the Limerick Chronicle and hand-bills	0	6	2
Copy posting for Limerick Chronicle	0	1	0
Letter with same	0	3	3
Paid for two insertions	0	15	0
Copy posting for printer	0	1	0
Attending him	0	6	2
Paid him printing same	0	3	6
Letter to receiver with handbills	0	3	1
Postage thereof	0	0	8
Paid posting and distributing same	0	10	6
Attending letting, when Mr. A. B. declared tenant @ £28 per annum	0	6	2
Paid Court Keeper	0	2	6
Attending before Master extraordinary, when recognizance entered into	0	6	2
<hr/>			
Total	15	19	5
Costs of appointing receiver (Appendix A.)	23	15	2
Costs of receiver on recognizance (Appendix B.)	10	7	6½
<hr/>			
Total expense incurred	50	2	1½

The general costs of the receiver of course vary considerably, according to

the number of tenants, and the state of the property, &c. for the directions of the court or Master must be had for all proceedings and for letting lands, &c.

In addition to these, there are also the costs of accounting annually. These costs vary according to the length of the account, from £6 upwards; the smallest being £6. The cost of the receiver's solicitor amount on an estate of £800 a-year upwards, to from £75 to £300 per annum!

APPENDIX D.

Costs of extending a receiver where no cause to the contrary is shewn.

		£	s.	d.
Hawk, <i>Petitioner</i> ,	Attending petitioner taking instructions to have receiver extended over the lands of ——— for payment of his judgment ..	0	6	2
Dove, <i>Respondent</i> ,				
A. B. <i>Petitioner</i> ,	Search to see in what causes or matters the receiver was already appointed ..	0	6	2
Same, <i>Respondent</i> .				
C. D. <i>Petitioner</i> ,	Draft affidavit to ground application, 9 sheets	0	4	6
Same, <i>Respondent</i> .				
E. F. <i>Petitioner</i> ,	Fair copy	0	2	3
Same, <i>Respondent</i> .				
	Engrossing	0	2	3
Chancery fund		0	2	6
Signing		0	3	1
Attending petitioner reading over affidavit previous to swearing		0	6	2
Paid swearing before a Commissioner		0	2	6
Copy to attest		0	1	0 $\frac{1}{2}$
Paid filing and attesting		0	8	3 $\frac{1}{2}$
Attending to file		0	6	2
Draft notice of motion		0	2	6
Six copies for transmission		0	3	0
Copy for court		0	0	6
Paid transmission		0	2	6
Brief for counsel, 2 pages		0	4	0
Fee to Mr. Vereker		2	2	0
Attending him		0	6	2
Attending court when motion granted		0	6	2
Motion docket		0	3	0
Paid for the order		0	12	4
Copy for use		0	2	9
Five copies for said order for service on parties in 1st, 2nd, and 3rd matter, and on receiver		0	13	9
Copy costs to lodge for taxation		0	1	0
Attending to lodge		0	6	2
Chancery fund on summons to tax		0	13	0
Filling same		0	3	1
Six copies		0	3	0
Three transmissions		0	3	0
Chancery fund on cost		0	10	6
Attending to tax		0	6	2
				<hr/>
				£8 12 8

APPENDIX E.—Summary of the returns supplied from the Registrar's Office of the Court of Chancery, of Estates on which receivers accounted to the Court of Chancery in Ireland, during the years 1841, 1842, and 1843, ending 1st December in each year. Presented to Parliament by order of Her Majesty.

YEAR 1841.

COUNTIES.	No of Causes.	Description of Property,		Rental of Estates	Arrears of Rent.			Gross amount of costs paid by Receiver since his appointment, as allowed in his account.
		Lands	Houses		When Receiver was appointed.	When Receiver last accounted		
1 Antrim ..	14	9	5	£ s. d. 8,097 17 11½	£ s. d. 1,442 17 6	£ s. d. 2,654 5 6½	£ s. d. 307 11 10½	
2 Armagh ..	4	4	..	4,309 11 7½	27 13 0¼	752 5 10½	29 18 1	
3 Carlow ..	8	8	..	6,333 13 9	10 3 1½	3,741 14 8	229 2 11½	
4 Cavan ..	14	14	..	19,273 7 2½	709 19 2½	10,919 18 3½	573 5 1	
5 Clare ..	23	23	..	16,808 10 10½	1,954 11 6	7,341 6 11½	530 14 9½	
6 Cork ..	89	84	5	46,885 19 2½	2,560 1 9½	21,662 12 3½	2,022 13 4½	
7 Donegal ..	8	7	1	4,301 11 7¼	6 0 0	10,812 16 1¼	206 4 11¼	
8 Down ..	13	10	3	37,488 9 3½	2,528 6 3	30,286 7 6¼	836 16 9½	
9 Dublin ..	84	44	40	58,730 1 8	2,542 7 9¼	27,495 2 1½	2,419 15 11	
10 Fermanagh	5	5	..	4,771 19 1	298 12 8	2,257 16 6	124 12 9	
11 Galway ..	47	46	..	58,917 15 10½	11,349 16 7	42,922 13 2	1,694 15 3	
12 Kerry ..	21	21	..	24,918 3 6½	1,068 15 9	25,746 12 3½	806 3 10	
13 Kildare ..	19	18	1	10,754 13 8½	1,433 6 5	6,913 3 4	316 2 9½	
14 Kilkenny ..	24	23	1	17,998 11 0½	0 0 0	12,644 13 5	400 7 4	
15 King's County	22	21	1	14,203 19 7½	28 0 0	3,454 15 11	706 13 0	
16 Leitrim	5	5	..	1,499 11 6	7 9 0	1,441 19 3	181 14 2	
17 Limerick ..	51	45	6	29,631 0 3	786 18 4	14,312 12 11	1,488 6 10	
18 Londonderry	6	5	1	27,054 3 5	54 0 5	11,653 6 2	2,692 4 2½	
19 Longford ..	7	7	..	4,119 7 11	0 0 0	1,582 11 7	216 7 6	
20 Louth ..	6	5	1	3,020 18 2	0 0 0	1,081 14 3	264 12 8	
21 Mayo ..	21	20	1	27,640 4 1	210 1 8	16,282 14 4	2,055 11 10	
22 Meath ..	22	22	..	17,635 11 8½	895 6 0½	4,025 1 0½	971 12 1½	
23 Monaghan ..	9	9	..	3,868 1 10	162 3 8	1,910 10 0½	308 2 5½	
24 Queen's County	12	11	1	7,496 2 10	357 3 10	3,667 0 3	234 6 10½	
25 Roscommon	15	15	..	12,119 14 3	1,115 19 0	7,505 18 3	548 7 4	
26 Sligo ..	14	13	1	9,118 5 0	7,407 6 4	9,732 5 11	303 7 4	
27 Tipperary ..	58	55	3	46,828 7 3	154 3 3	25,400 15 10½	2,266 14 6	
28 Tyrone ..	7	7	..	17,343 14 2	0 0 0	8,967 2 8	386 12 3	
29 Waterford ..	22	21	..	11,857 8 2	1,296 5 2	4,357 5 9	679 10 11	
30 Westmeath ..	14	14	..	21,003 9 10	0 0 0	18,260 13 3	773 1 2	
31 Wexford ..	22	22	..	18,949 0 0	931 8 1	4,719 3 0	532 0 8	
32 Wicklow ..	12	9	2	5,661 8 1	0 0 0	3,119 16 4	313 6 9	
Total ..	698	623	73	558,635 13 10½	39,358 16 4½	347,226 14 10	25,529 8 4	
Total of year 1842	595	542	51	548,783 12 9	3,105 0 10	299,554 10 8	15,357 2 5	
Total of year 1843	764	652	91	563,022 2 4	39,265 13 1	290,292 4 10	19,741 10 0½	
Average of 3 years	686	606	72	570,147 2 11½	27,243 3 5	312,357 16 10	20,609 6 11	

APPENDIX F.—Summary of returns supplied from the Chief Remembrancer's Office, of Estates on which Receivers have been appointed under the Court of Exchequer in Ireland, during eight years, from 1836 to 1843 inclusive.

Summary of Eight Years, from 1836 to 1843 inclusive.								
COUNTIES.	No of Causes.	Description of Property.		Rental of Estates	Arrears of Rent.			Gross amount of costs paid by Receiver since his appointment, as allowed in his account.
		Lands	Houses		When Receiver was appointed.	When Receiver last accounted.		
				£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1 Antrim ..	6	5	1	1,506 7 10½	1,403 7 2½	533 5 0½	76 11 7½	
2 Armagh ..	7	7	..	3,870 2 7½	674 4 3	1,667 7 9	153 14 11½	
3 Carlow ..	9	9	..	2,930 9 10½	2,567 3 3½	4,124 13 0½	190 9 2	
4 Cavan ..	3	3	..	4,133 10 2	84 5 4½	730 3 3	368 17 10¾	
5 Clare ..	11	10	1	2,907 10 0	1,170 19 6½	2,130 13 8½	303 3 10	
6 Cork ..	25	25	..	13,975 19 8½	3,518 8 7	8,303 11 9½	639 16 3	
7 Donegal ..	5	5	..	3,378 19 5	243 16 6	1,923 13 9	261 1 6	
8 Down ..	4	4	..	1,841 11 7	1,378 19 1½	184 12 9½	56 4 9	
9 Dublin ..	32	16	16	11,233 3 5	5,426 19 0½	6,258 10 7	1,100 6 1½	
10 Fermanagh ..	1	1	..	127 1 8	0 0 0	91 10 6½	18 16 8	
11 Galway ..	18	16	2	4,957 3 2	6,327 5 10	4,676 8 6	842 14 10½	
12 Kerry ..	28	17	1	5,852 4 0½	1,629 15 6½	3,790 5 8½	132 10 3	
13 Kildare ..	3	3	..	1,360 3 10½	903 3 2½	859 12 3½	72 10 8	
14 Kilkenny ..	9	9	..	3,587 5 9½	2,375 13 1½	3,279 5 9½	393 16 1½	
15 King's County	4	4	..	1,267 9 1	30 11 5	80 9 5	40 18 9½	
16 Leitrim ..	8	8	..	1,164 4 7	295 6 5½	1,185 3 10½	43 9 3½	
17 Limerick ..	24	22	2	15,690 8 3¾	6,839 14 11½	7,120 9 3	1,455 5 8	
18 Londonderry	5	5	..	2,037 6 3	3,113 17 4½	3,880 4 0	239 6 3	
19 Longford ..	4	4	..	635 2 10½	276 16 8½	327 14 7	94 16 8½	
20 Louth ..	6	6	..	1,728 0 0½	593 18 1½	730 1 5	84 12 1½	
21 Mayo ..	12	12	..	3,589 18 1½	865 6 6¾	4,360 15 5	434 13 2½	
22 Meath ..	6	6	..	6,732 5 0½	331 3 4	2,436 10 1	201 5 2½	
23 Monaghan ..	4	4	..	2,762 1 10	2,719 7 1	3,300 10 8¾	387 9 7	
24 Queen's County	10	9	1	4,964 18 6½	1,406 2 4	2,634 7 7½	229 3 0½	
25 Roscommon ..	15	14	1	3,312 2 0¾	878 11 0½	2,612 4 1½	313 16 6½	
26 Sligo ..	7	7	..	1,631 5 6½	452 11 11	1,585 19 6	97 0 2	
27 Tipperary ..	21	18	3	10,211 1 9	2,718 12 4½	8,157 9 5½	692 15 2½	
28 Tyrone ..	1	1	..	125 5 10	0 0 0	77 10 0	4 18 6½	
29 Waterford ..	20	20	..	9,246 0 0½	2,168 13 0¾	4,222 9 2½	446 12 5½	
30 Westmeath ..	5	5	..	1,324 18 7	146 7 8½	750 5 10	285 4 0	
31 Wexford ..	9	9	..	3,036 18 6	4,722 17 3½	5,115 14 5	160 12 10½	
32 Wicklow ..	3	2	1	964 10 7	112 6 7	190 17 5½	21 18 11½	
Total ..	316	287	29	132,675 2 3	56,163 6 6	87,849 0 11½	9,906 0 11¾	

APPENDIX G.—Results from the foregoing Tables.

	1841	1842	1843	Average
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Arrears of rent due when Receiver last accounted.....	347,226 14 10	299,554 10 8	290,292 4 10	312,357 16 10
Arrears due at appointment of Receiver.....	39,358 16 4½	3,105 0 10	39,265 13 1	27,243 3 5
Difference.....	307,867 18 5½	296,449 9 10	251,026 11 9	285,114 13 5
Costs paid by Receiver since his appointment }	25,529 8 4	15,357 2 5	19,741 10 0½	20,609 6 11
Gross loss to both Creditor and Debtor..... }	333,397 6 9½	311,806 12 3	270,768 1 9½	305,724 0 4

APPENDIX H.

1. "I may state from my personal knowledge, in one case, that of a house in Merrion-square, Dublin, the lease of which was only worth between £500 and £600, the expense of making title to the beneficial title under it, would, by obtaining releases from judgment creditors, *have cost more than equivalent to the premium*: and to provide as far as practicable against such consequences, an indemnity bond and judgment have been added to many other bonds, against the person who sold; and yet, in after times, and for all time during the continuance of the lease, *no marketable title can be given to the tenement in question.*"—Evidence of Peirce Mahony, Esq. before the Irish Land Occupation Commissioners, vol. 3, page 758.

2. "Does the receiver usually consider it his duty to look after the condition of the estate? No; he considers himself merely bound to collect the rents in the best way he can, without reference to the condition of the estate."—Evidence of the Chief Remembrancer of the Court of Exchequer, before same commission. vol. 1, page 307.

3. "I believe that in some cases there is an understanding between the receiver, if he be a professional man, and the person who acts as his solicitor, that the *receiver shall benefit from the costs*. Can you inform the Commissioners whether cases have occurred, in which estates have been destroyed in consequence of their being placed under the management of the Courts?—My impression is that there have been."—The revenue of those estates having been absorbed in the costs, and the expense of management?—Yes." Evidence of Right Hon. A. R. Blake, late Chief Remembrancer, before said Commission. vol. 1. page 260.

Examples might be endlessly multiplied.

4. Previous to the 3rd and 4th Wm. 10, c. 27, judgment debts did not bear interest, although interest could be recovered at law by way of damages.

5. Manufacturers and merchants manage their affairs much better than the "landed interest." The property of a bankrupt trader is vested in the commissioners, and distributed with little cost and delay among the parties entitled. Thus, a bankrupt's estate will frequently pay 20s. in the pound. The case would be very different if his estate were handed over to Receivers under the Court of Chancery.

THE END.