

*vires*, and we incline to the belief that it is, diligence in enforcing a claim is now of considerable importance, but diligence, to avail, must be with the assistance of the debtor. He may now transfer property to a favoured creditor, and so long as the transfer is made in advance of an execution in the sheriff's hands it is valid. He may even transfer book debts and other choses in action owing to him after an execution has actually reached the sheriff's hands, for book debts are not "securities for money" within the meaning of the Execution Act, R.S.O., c. 64, s. 17: *McNaughten v. Webster*, 6 U.C.L.J. 17; *McDowell v. McDowell*, 10 U.C.L.J. 48; *Harrison v. Paynter*, 6 M.&W. 387. "Other securities," says North, J., in speaking of 1 & 2 Vict., c. 110, s. 12, the original of our Act, "I think, means only securities *ejusdem generis* with the securities particularly mentioned in the section," i.e., "cheques, bills of exchange, promissory notes, bonds, mortgages, specialties": *Re Rollason*, 56 L.J. Ch. 769. Book debts can only be reached by attachment. As for stocks and shares in companies, they may be transferred by the debtor, until the notice required by R.S.O., c. 64, ss. 10, 11, has been given to the company. But it is only with the assistance of the debtor that a creditor can be favoured, for if the latter seeks to make his money by an execution the Creditors' Relief Act will compel a *pro rata* distribution to all the execution creditors who have intervened within the limited time. This difficulty, however, can easily be overcome with the assistance of the debtor by his raising a loan on the security of his assets, after the favoured creditor has his execution in the sheriff's hands. Subsequent executions rank only on the residue after paying the first execution and the mortgage in full, and it is probable that the same result can be effected by making an assignment for the benefit of creditors before a second execution reaches the sheriff's hands: *Roach v. McLachlan*, 19 A.R. 496. For the mode of obtaining judgment so as to evade section 1, even if *ultra vires*, see *Turner v. Lucas*, 1 O.R. 623.

When section 9 was declared *ultra vires*, the usefulness of the Act was destroyed. The consequence will probably be to curtail the credit of those who have only small capital, and to make creditors rush for the assets of the debtor, on the first signs of financial embarrassment.

If the Act respecting Assignments and Preferences is wholly