

1866, the Franco-Russian war in 1877, and the Russo-Turkish war in 1853, does not demonstrate that there was any legal necessity to make the same. Spain must blame her lack of "alert militarism" for her great losses at the outset of the conflict. All through the long diplomatic controversy preliminary to the beginning of hostilities she appeared to have been actuated by the belief that the Americans were only "bluffing." She took her chances with her eyes open, and cannot blame her reverses as due to any breach by her adversary of the international etiquette of war.

EXECUTIONS AGAINST LAND.

The last number of the Ontario Reports includes the decision of Ferguson, J., in *Neil v. Almond*, 29 O.R. 63, which will prove quite a surprise to many practitioners. There has been for many years past a sort of tacit understanding in the profession that by keeping a writ of *fi. fa.* lands renewed, the right of the execution creditor against the lands of his debtor under the writ might be preserved for an indefinite number of years, and that any sale which might be made by the debtor of his lands whilst the execution was in the sheriff's hands would be liable to be defeated by a sale had under the writ. The case of *Neil v. Almond* seems to show that this view of the law is erroneous. The facts of that case were as follows: Job Almond placed a writ of execution against the lands of James Ellis in the sheriff's hands, on 20th April, 1884, which was kept duly renewed. In 1885 Neil purchased certain lands of James Ellis, which were bound by the writ, of which Neil had no actual notice. Neil subsequently, in 1891, mortgaged the land to the Canada Permanent L. and S. Co., which mortgage at the time of the action was still subsisting. It having been discovered that the lands were still subject, as was supposed, to Almond's execution, the sheriff was about to offer them for sale thereunder, when Neil commenced his action to restrain further proceedings under the execution against the lands so purchased by him. He contended that the execution creditor's claim under the writ was governed