

CORRESPONDENCE.

Act, being included in Sec. 5, by its broad language, it becomes subject to its other provisions which affect contingent interests and possibilities. And, upon the same assumption, whatever doubt may have existed, either at Law or in Equity, with regard to the liability of this interest to seizure under execution, would seem to have been removed by section 11, which enacts that any interest which by sec. 5 "may be assigned or conveyed by any party, shall be bound by the judgment of any Court of Record, and shall be liable to seizure and sale under execution against such party, &c." If this assumption be well founded, a married woman, being possessed of such an interest, has, by the provisions of the 11th section of the Act, a species of property available, to the extent of its worth, for creditors.

Having submitted these reasons in favor of the view that the inchoate right is an assignable interest and subject to execution, I shall in my next letter attempt an examination of the case of *Allan v. Edinburgh L. A. Co.*, 19 Gr. 248, which is a decision to the contrary.

E. D. A.

Toronto, August, 1877.

Sheriffs Duties—Returning Fi. Fa.'s for Renewal.

TO THE EDITOR OF THE LAW JOURNAL.

SIR,—Of late there has been a considerable amount of discussion in regard to the duties and emoluments attached to the office of sheriff. As the matter now stands the sheriffs have been able to exercise sufficient influence at "head quarters" to have their income largely increased without incurring any further responsibility or having additional duties to perform. I do not wish to discuss whether persons holding offices of this description, which require no previous training and no intellectual attain-

ments to qualify them to fulfil the duties attached thereto, should receive salaries equal to, and often exceeding the remuneration which is derived from the exercise of the learned professions, but I think that if the next "Omnibus Act" passed by our Local Legislature were to extend the duties of the sheriff somewhat, it might be beneficial, not only to the legal profession but to their clients also. The law with regard to an attorney's retainer to carry on a suit, I believe to be that such retainer is an authority to prosecute the suit unto the entry of final judgment only. Special instructions should, in strictness, be given to the attorney to issue execution. Writs may then be placed in the sheriff's hands which lose their priority in a year. Neither the sheriff nor the attorney is legally bound to notify the client that the writ is about to expire, and it frequently happens that the client loses his debt through neglect to renew the writs. Now in a large firm of attorneys when writs are usually issued by articulated clerks, the risk would be great to the attorney if he were saddled with the responsibility of renewing writs issued on all judgments he had entered for years back perhaps; but what could be simpler than to make it the duty of each sheriff to return writs to the party placing them in his hands say a week before the day on which they expire, giving such party notice at the same time that if not renewed the plaintiff's priority would be lost?

Yours truly,

LEX.

[The suggestion is a good one, and would be of great benefit to the profession and to the public, and very little trouble to sheriffs. These officers are as well paid for doing nothing as most people, and it would be well to give them something to do for nothing, by way of variety.—Eds. L. J.]