

WRITS AGAINST LANDS AND GOODS—LAW SOCIETY—HILARY TERM, 1867.

writs of *fi. fa.* against the goods of the same debtor, the first of which absorbs all, without satisfying the judgment in full; the creditors on the other writs must wait until the first has been returned before they can compel the sheriff to make that return to their own which will entitle them to proceed against lands, and when they have obtained it they find their fortunate competitor still first in a race which no diligence on their part will enable them to win.

Or again, take the case of an interpleader issue between the first creditor and a claimant of the goods. A subsequent creditor, who declines an issue, either not feeling it safe to contest the claim, or because convinced that the property will not more than satisfy the first writ, is obliged to wait until the issue is disposed of, and the first writ returned, and after all this delay is still postponed, as to his remedy against lands, to the first execution creditor.

Other practical inconveniences suggest themselves as likely to arise from the present state of the law, among which may be mentioned the difficulty of ruling a sheriff to return a writ when there are several against the same party in his hands. How is he to be compelled to do this "in order of priority," if for any reason some or one of the prior creditors do not desire their writs to be returned, or simply remain passive? Whether this question can be solved judicially or not, we are aware that some officers govern themselves at present by the strict letter of the law.

Apart from any question of the insolvent laws, it seems unjust to give one creditor priority throughout the series of writs which he may find it necessary to issue (a priority which the grossest laches can hardly deprive him of), because the delays which must occur will often, as we have said before, give the debtor time and opportunity to dispose of his real property, before it can be bound by a *fi. fa.* lands.

We think Mr. Cameron's bill was a step in the right direction. If goods and chattels, lands and tenements, are included in the same writ, the chances are lessened of the debtor defeating his creditors by making away with his property. The lands could not be sold until the goods were exhausted, yet they are bound by the writ, and available, so far as they extend, for all the execution creditors.

The last sentence suggests an objection which might be made in favor of the debtor, similar to that urged against certificates of judgment, in that they operated to tie up and encumber the sale of the very land, by means of which a debtor might often be enabled to pay his debts. But in answer to this it is to be said that the effect of a certificate of judgment could only be enforced by a suit in Chancery, while the remedy on a *fi. fa.*, already in the sheriff's hands, is inexpensive and speedy.

The subject is one of great practical difficulty, and every course suggested seems open to some objections. Mr. Cameron's proposal seems to us, however, to be the least objectionable, and though not perhaps quite so favorable to the "poor debtor," is more just to the "poor creditor," who has, after all, some slight claim to justice, not to say sympathy, at the hands of the public.

LAW SOCIETY—HILARY TERM—1867.

It is gratifying to the profession and especially to those most concerned to observe the marked improvement that was evidenced during this term in the proficiency of students presenting themselves for examination both for call and admission as attorneys. The papers of the gentlemen who went up were so good as to call forth from the Treasurer the expression of the unanimous opinion of the Benchers that these examinations were the best that had ever taken place before the Law Society, upon similar occasions, since examinations were required. This is very probably owing in a great measure to the system of lectures that was introduced some five years ago. It is at least a coincidence that the majority of those who went up this term are the first of those who had an opportunity of availing themselves of these lectures.

CALLS TO THE BAR.

The following gentlemen were, during the present term, called to the bar of Upper Canada:—Messrs. F. T. Jones and J. G. Smith, Toronto; G. P. Land, Hamilton; James H. Fraser, London; James Watt, Oil Springs;—Merrill, Picton;—Mudie, Kingston; G. L. McCaul, Toronto; W. H. Walker, Ottawa; C. Seager, Sarnia; F. C. Draper, Toronto; Wm. Lynn Smart, Toronto, and