

The form of the action was no doubt wrong, but Smith had an opportunity of intervening had he desired to do so, and the respondent's counsel could not point out to their Lordships any injustice that would be done to any party by giving relief in the action as framed.

On the merits, the case appears to their Lordships one of extreme simplicity. The partnership has been dissolved, all the debts have been discharged or satisfied, and there remains nothing to be done but to adjust the rights of the partners *inter se*, having regard to the articles of partnership and their respective contributions and drawings. The fact of one of the partners having been the purchaser of the assets for the sum required for satisfaction of the debts does not seem to affect the question any more than if the purchaser had been a stranger. MacLean has not only drawn out his capital, but has also drawn out \$29,079 in addition. He must at least pay back the amount of his overdraft, to be divided between his partners on whom the whole loss has been allowed to fall. It is unnecessary for the purpose of the present appeal to go further.

The exact form of the account (if any account had been necessary) may be a matter of nicety, but it is unnecessary to consider that, as the learned counsel for the respondent did not suggest that an alteration in the form would result in any benefit to his client.

Their Lordships, therefore, will humbly advise her Majesty that the order appealed from be reversed, and the judgment of the Court of Queen's Bench be restored. The respondent must pay the costs in the Supreme Court and of this appeal.

---

### THE LORD CHIEF JUSTICE OF ENGLAND ON INTERNATIONAL LAW.

[Continued from page 256.]

Like all law, in the history of human societies, it begins with usage and custom, and unlike municipal law, it ends there. When, after the breakup of the Roman Empire the surface of Europe was partitioned and fell under the rule of different sovereigns, the need was speedily felt for some guiding rule of international conduct. International law was in a rudimentary stage; it spoke with ambiguous voice, it failed to cover the whole ground of doubtful action. It needed not only an interpreter of authority but one who should play at once the part of mediator, arbiter and judge. The Christian religion has done much to soften and human-