If that be so, then it might be asked how can a writ be renewed by a dead man or by a stranger to the action? This is a proposition to which the majority of the Court do not appear to have seen fit to address themselves, as far as the note shows, and yet it is obviously at the very root of the question in issue. Two courses appear to have been open to the representatives of the deceased plaintiff (1) To apply, by analogy to the practice prescribed by Rule 566, for leave to renew the writ. (2) To obtain an order under Rule 300, continue the proceedings and then renew it in the name of the parties added by the order. The plaintiff's representatives adopted neither course, and yet it was held that the procedure was valid. It might be asked on whom would rest the responsibility for a writ renewed in such circumstances? Not on the deceased plaintiff obviously, nor his representatives, because even though they may have authorized the solicitors of the deceased plaintiff to proceed, it could be hardly intended that they authorized them to proceed otherwise than according to the course of the Court, and it may be that the solicitors by whom proceedings are taken in the name of a deceased person would incur a personal responsibility to a defendant whose property should be sold in such circumstances: see *Young* v. *Toynbee*, 1909, 1 K.B. 215. Therefore we say again it is perhaps advisable for the profession not to act upon the case in question, but rather follow the procedure pointed out in the Rules we have referred to, about which there can be no question. In the olden days so insistent was the Court that the suitor should appear in person, or by attorney, before it would proceed to exercise jurisdiction, that we find a defendant in one case actually brought into Court in his cradle, but we have travelled a long way from that, and now according to this lastest decision a person may take proceedings in an action to which he is not a party. The case we may observe appears to be opposed to the decisions in *Re Shephard, Atkins* v. *Shephard*, 43 ch. D. 131; and *Norburn* v. *Norburn*, 1894, 1 Q.B. 448 and *Chambers* v. *Kitchen*, 16 P.R. 219; 17 P.R. 3.

It is said by Riddell, J., that a writ is a judicial act, but though it is true that the writ itself is a judicial act, the issue of the writ