

except in very simple cases we are inclined to regard as very doubtful. The right to claim any relief over against any co-defendant is in like manner extended by Rule 215.

Under the head of "Parties" we find Rules 228, 229, which relate to executions against, and attachment of debts due to, firms, we are disposed to think that they would have been more appropriately placed respectively under the head of "Execution" and "Attachment of Debts." The like observation applies to part of Rule 231.

Rule 224 is new and requires that where a writ directed to a firm is served upon a partner or manager, etc., notice in writing must be given whether the person served is served as a partner or as a manager. This is a very useful and needful provision, as a person served under the former practice was often in doubt in what capacity he was served. Rule 227 entitles a person served as partner to appear under protest denying that he is a partner, but this appearance is not to preclude the plaintiff from otherwise serving the firm and obtaining a judgment against the firm if no appearance is entered by a partner in the ordinary form.

We now come to the Rules regulating pleadings, and the first noticeable variation is found in Rule 244, which expressly enables a plaintiff who delivers a statement of claim to alter, modify or extend his claim without any amendment of the endorsement of the writ. We are inclined to think that this provision has not been sufficiently thought out, and that the Rule should have provided that where a statement of claim is so extended or altered it should be required to be personally served on any non-appearing defendant, otherwise a defendant may be served with a writ endorsed with a claim to which he has no defence, and subsequently find a judgment recovered against him on a claim for breach of promise or some other claim of which he has never heard of, and to which he had a perfectly good defence. See Rule 537 which dispenses with personal service of notice of assessment of damages, and Rule 573 which dispenses with service of the statement of claim on a non-appearing defendant unless otherwise so ordered.