

SPECIALLY INDORSED WRITS.

In a former issue (see *ante* vol. 29, p. 280) we drew attention to the uncertainty which appears to prevail on the very simple question, whether to a liquidated demand which is properly the subject of a special indorsement may be added a claim for unliquidated damages. We then pointed out the apparent inconsistency which exists in Rules 249 and 711; and that while the former Rule appears to contemplate that such claims cannot be joined, the latter Rule seems to contemplate that they can. The recent English decisions are clear, that if such claims are joined in the indorsement, then it ceases to be a *special indorsement*, and final judgment cannot be signed under it for any part of the claim, in default of appearance; nor can a motion under Rule 739 be made for leave to sign judgment in case the defendant appears: *Wilks v. Wood*, (1892) 1 Q.B. 684; *Sheba Gold Mining Co. v. Trubshawe*, (1892) 1 Q.B. 6, 4. These cases were followed by Armour, C.J., in *Monro v. Pike*, 15 P.R. 164, and recently by the Divisional Court of the Common Pleas Division in *Solmes v. Stafford*, 16 P.R. 78; but, unfortunately, neither in the English cases is the English Rule 107 noticed, nor in either of the Canadian cases is Rule 711 referred to, nor yet the cases of *Huffman v. Doner*, 12 P.R. 492; *Hay v. Johnston, Ib.*, 596; and *Mackenzie v. Ross*, 14 P.R. 279, in which Boyd, C., and Meredith, J., came to a different conclusion. This is unfortunate, as it robs the decision of the Divisional Court of the value it would otherwise have had, and tends to leave the practice on this very simple point still in a state of doubt and uncertainty.

THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

There have been, of late, some rather uncomplimentary reflections cast upon the Judicial Committee of the Privy Council. Senator Scott, notably, in a recent speech in the Senate, spoke in a manner anything but respectful of that august body; and in a recent article in the *Canadian Law Times*, from the pen of Mr. Marsh, Q.C., we find some sneers which are equally objectionable.