then taken. This was the substantial ground of defence to the action, and, so far as I can see, it was not brought to the attention of the Court at the proper stage, and has never been decided. A similar difficulty attends the objection as to the service of the writ on the manager. On the motion for judgment it might have been shewn (unless the defendants had done something to waive the objection) that the requirements of Rule 224 had not been complied with, and therefore that there had never been an effective service of the writ upon the firm, the person served not being, in fact, a partner, and not having been informed by the prescribed notice that he was served as manager: Snow's Annual Practice, 1902, p. 655; Yearly Practice, 1904, p. 504. Or the firm might have moved to set aside the faulty service on the manager: Nelson v. Pastorino, 45 L. T. N. S. 564. Neither of these courses was taken, and there is now a judgment against a partnership firm which stands unimpeached, and which cannot be attacked in a collateral proceeding. While it stands the plaintiff has the right to enforce it by means open to him under Rule 228. He cannot proceed under part (1), clauses (b) or (c), because no one who has been served with the writ has appeared in his own name, or has admitted on the pleadings that he is, or has been adjudged to be, a partner, and because there is no one who has been individually, that is personally, served as a partner with the writ and who has failed to appear. He, therefore, proceeds under part (2), and applies for leave to issue execution against Flavien Moffet and his wife as being persons other than those mentioned in part (1) (b), (c), who are members of the partnership. As they dispute their liability, the question, not of the validity of the judgment against the firm, but of their liability as members of the firm to execution thereon, is to be determined, which will be done by the issue directed by the order appealed from. I refer to Exp. Young, 19 Ch. D. 124; Jackson v. Litchfield, 8 Q. B. D. 474; Adam v. Townend, 14 Q. B. D. 103; Ex. p. Ide, 17 Q. B. D. 753, 758.

The appellants relied upon Standard Bank v. Frind, 15 P. R. 438, and Munster v. Cox, 10 App. Cas. 680, but those cases are of no assistance to her now. They shew what the practice is up to judgment and afterwards in proceedings against a firm and the persons who compose it, but they do not decide that any irregularity in the mode of obtaining a judgment, regular on its face, against the firm, can be taken advantage of on the motion for leave to issue execution. Turcotte v. Dansereau, 27 S. C. R. 583, is a decision on the prac-