

ceedings. By the English Rule Ord. xlviii. A. r. 11, it is provided that any person carrying on business within the jurisdiction in a name or style other than his own may be sued in such name or style as if it were a firm name; and so far as the nature of the case will permit, all rules relating to proceedings against firms shall apply. There is no rule in exactly the same terms in force in Ontario, but Ont. Rule 318 provides that "Any person carrying on business in the name of a firm, apparently consisting of more than one person, may be sued in the name of such firm," which is somewhat similar to Eng. Rule Ord. ix. r. 7. The Vice-Chancellor of Lancaster upheld the service as valid, but the Court of Appeal set it aside, holding that Ord. xlviii. A. r. 11 did not apply, because the subject matter of the action had no relation whatever to the business carried on by the defendants within the jurisdiction. Lindley, L.J., says: "I do not say the rule expressly states, but it involves this: that you can only sue a man in his firm name in respect of matters which are connected with the business which he carries on under that name," and the same qualification, we apprehend, must be held to be involved in Ont. Rule 318.

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### Notes and Selections.

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LEVEL CROSSINGS have led to much litigation, but it has mostly been litigation relating to people being knocked down by passing trains. The point in *Boyd v. Great Northern Railway* (1895, 2 Ir. Q.B. 555) was a novel one—undue detention at a level crossing. A local doctor in large practice arrives in his gig at a level crossing at 3.55 p.m., and is kept waiting for the gates to be opened until 4.15, not owing to any exigencies of traffic transit, but simple negligence on the part of the company—"stark insensibility," as Dr. Johnson would say. For this bad twenty minutes the court gave the doctor ten shillings damages against the company. Self-help in these emergencies will not do, for, as *Wyatt v. Great Western Railway Co.* (34 L.J.Q.B. 204) decided, the level crossing is a thoroughfare only when the gates are opened by the company's servants. If you open them yourself you are in the position of a trespasser—possibly liable to grievous penalties under by-laws.—*Law Quarterly Review*.