

why the Provincial Legislature should not re-enact the proviso, or indeed some more effective provision, so as to afford some efficient protection to persons *bona fide* prosecuting others under the criminal law from being harassed with vexatious lawsuits for malicious prosecution.

### HOLLENDER v. FFOULKES.

The full report of the above case (referred to *ante* p. 595) is now to hand (16 P.R. 175), and we find from the judgment of the Queen's Bench Divisional Court delivered by Street, J., that the effect of Rule 711 is thus referred to: "The effect of it clearly is to recognize, and therefore to legalize, the combination of a special indorsement for a liquidated amount with an indorsement of a claim for either or both of the other causes of action mentioned in it. Where, then, a writ is specially indorsed for a liquidated claim *only*, and the defendant fails to appear, the plaintiff proceeds to final judgment at once under Rule 705; where another claim is joined he proceeds under Rule 711"; but he goes on to say, "Rule 739 is, however, limited to cases where a writ is specially indorsed under Rule 245, and, as that Rule applies to cases where the claim is for a liquidated demand *only*, it appears to me that we are not justified in holding that Rule 739 can be made applicable to cases where there is a claim for a liquidated demand to one for unliquidated damages."

As we understand the line of reasoning of the judgment it is this: by virtue of Rules 245 and 711 it is possible to join in an indorsement on a writ any of the claims for liquidated demands mentioned in Rule 245, and also the claims mentioned in Rule 711, viz., for detention of goods and pecuniary damages, or either of them; but where the plaintiff has so indorsed his writ it is not possible for him to get speedy judgment under Rule 739 for even the liquidated demand, because the indorsement is not a special indorsement under Rule 245 by reason of its including other claims besides those enumerated in that Rule. This point seems now to be made quite clear by the recent decision of the Court of Appeal, affirming *Solmes v. Stafford*, 16 P.R. 78.

It seems to follow clearly from this decision that if to the claims which may be specially indorsed under Rule 245 there be added a claim for equitable relief, not only can the plaintiff not