draughtsman. No one can be expected to provide for every contingency, or to see with prophetic forecast all the results which may flow from a given state of things, and it is, after all, only actual experience which can be expected fully to test a system or disclose its defects. The scheme of the rules, as they stand, enables a suitor to sue a firm by its firm name, in many cases an obvious convenience. But in the event of the action being successful it may be necessary to levy execution, not only against the firm, but also against the separate individuals of which the firm is composed, and it is in the endeavor to provide machinery to reach that desirable result that the present rules appear to have broken down. The names of the individual partners need not be stated in the writ, but any partner who is actually served with the writ is liable, should the plaintiff recover judgment against the firm, to have execution issued against him. And this is where the difficulty arises. The firm may be served, either by serving the writ on one or more of the partners, or upon any person having the control or management of the partnership business, at its principal place of business.

There appears to be nothing which requires a plaintiff to state in what capacity he effects service on an individual, whether as partner or manager, and the consequence is, a person so served is left in somewhat of a quandary. If he has been served as a partner and does not appear and successfully dispute his liability as a partner, he is liable, as we have said, to execution on a judgment being recovered against the firm. If, on the other hand, he has been served as manager, he has no business or right to appear. No provision is made for the entry of a conditional appearance; and the poor man is left in the dilemma either of appearing unnecessarily and being put in for costs, or of not appearing and leaving himself liable to execution. This obviously is a result not taken into account by the framers of the rules, and exhibits a state of things calling for early attention.

COLONIAL JUDGES IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL.

The Act for the better administration of justice in the Imperial Privy Council (3 and 4 Wm. IV., c. 41, Imp.), among other recitals, states that "whereas from the decisions of various Courts of Judicature in the East Indies, and in the plantations, colonies, and other dominions of His Majesty abroad, an appeal lies to His Majesty in Council," and that it is expedient to make certain provisions "for the more effectual hearing and reporting on appeals." It then proceeds to constitute a tribunal for colonial appeals as the "Judicial Committee of the Privy Council," and designates who are to comprise that tribunal, with power to the Crown to appoint certain other judicial persons, who are thus described in s. 30 of the Act:

"And be it enacted, that two members of His Majesty's Privy Council, who shall have held the office of judge in the East Indies, or any of His Majesty's dominions beyond the seas, and who, being appointed for that purpose by His Majesty, shall attend the sittings of the Judicial Committee of the Privy Council, shall severally be entitled to receive, over and above any annuity