

however, that the action may be properly prosecuted after the plaintiff's claim has been dismissed, it would seem that an order to continue the proceedings in the name of some one competent to prosecute the action should be first obtained, but with this point the decision above referred to does not deal. We may observe that this decision establishes the correctness of the suggestion in Holmsted's Jud. Act, p. 440, that this class of actions is an exception to the ordinary rule governing class actions, viz., that until judgment the plaintiff is *dominus litis*, and that a dismissal of the action or compromise of it before judgment prevents any other member of the class from prosecuting it.

THE LIABILITY OF A LANDLORD IN RESPECT OF A COMMON STAIRCASE.

It is curious to observe the numerous cases, of which *Groves v. Western Mansions* (*Times*, 22nd inst.) is the latest example, which are gathering round, but not yet finally deciding, the question of the liability of a landlord for defects in staircases and other parts required for common use of premises which are let out in flats or other separate tenements. Had the courts been content with the reasonable and, it would seem, sufficiently authoritative decision of the Court of Appeal and a strong Court too, Lord Esher, M.R., and Bowen and Kay, L.JJ.—in *Miller v. Hancock* (1893, 2 Q.B. 177), the case would have been simple. There a business visitor to a tenant of offices was injured through the defective condition of the common staircase. The Court held that there was, by necessary implication, an agreement by the landlord with his tenants to keep the staircase in repair, and that from this sprang a duty towards visitors to the tenants to keep it in a reasonably safe condition. In *Huggett v. Miers* (1908, 2 K.B. 278) the Court of Appeal refused to extend the principle to the lighting of the staircase; but that is a matter depending on somewhat different considerations, and the case cannot be regarded as in conflict with *Miller v. Hancock* (*supra*). In other cases however, distinctions have been taken which have