

that decision, then the judgment now in question was irregular. But, on reading the case referred to, he had not discovered any such dictum. The case before the Court of Appeal was one which, it was held, could not be the subject of a special endorsement. Con. Rule 587 itself does not mention the writ at all. It seems to contemplate a case such as the present, where the statement of claim "is for a debt or liquidated demand." The writ, no doubt, was not so endorsed, and gave no intimation of the amount or details of the plaintiff's claim, so that the defendants were not affected by Con. Rule 575 or 603. But, when they allowed the further time for delivery of defence to elapse, there was no reason why the plaintiff could not avail himself of Con. Rule 587 as he did; and the Master felt bound to hold the judgment regular. This being so, the defendants could be let in to defend only on the usual terms, that is, the judgment and execution should stand as security for whatever the plaintiff might ultimately recover, but were not to be enforced without the leave of the Court. The costs of the motion to be to the plaintiff in the cause; and the defendants to consent to facilitate a speedy trial at the Toronto non-jury sittings, where the plaintiff probably wished to have the trial, though no venue was stated in the statement of claim, which must, therefore, be amended, for which reason the costs were disposed of as above; and the plaintiff should issue the order. H. S. White, for the defendants. S. W. McKeown, for the plaintiff.

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BANK OF HAMILTON v. BALDWIN—MASTER IN CHAMBERS—JAN. 28.

*Writ of Summons—Issue in Name of Former Sovereign — Mistake—Amendment by ex Parte Order—Nullity—Con. Rule 1124—Costs.*]—This action was begun on the 4th December, 1912, by a writ of summons issued (by mistake in using an old form) in the name of the late King Edward VII. The action was upon a judgment recovered on the 5th December, 1892, and was thus brought barely in time to save the bar of the Statute of Limitations. On the 14th January, 1913, after service of the writ of summons in its original form, but before the time for appearance had expired, the plaintiffs obtained from a Local Judge an *ex parte* order to amend the writ by substituting the words "George the Fifth" for "Edward the Seventh." The writ having been amended and served with the order on the defendant, he moved to set aside the writ as a nullity and the order as having