

been commenced as an item of ordinary expenditure for the year incapacitate the defendants from again submitting a by-law for its construction.

Action dismissed with costs.

J. B. Clarke, Q.C., for the plaintiffs.

Lister, Q.C., and *Cowan* for the defendants.

FERGUSON, J.]

[Nov. 29.]

RE LAIDLAW MANUFACTURING COMPANY (LIMITED) OF HAMILTON.

Company—winding up

Petition for on order to wind up the respondent company under the provisions of c. 129, R.S.C., and amending Acts.

James Parkes, for petitioning creditors, moved for a winding-up order, following *Re Hamilton Whip Company (Limited)*, 24 O.R., and 29 C.L.J. 668, and upon the grounds upon which the Chancellor decided same.

An assignment for the benefit of creditors was made on the same day on which the petition was served, and a large majority in number and value of the creditors desired that the company should be wound up under the assignment.

W. F. Burton, for the assignee and the company, opposed the motion.

J. J. Scott appeared on behalf of the creditors supporting the assignment.

Order refused.

Practice.

Q.B. Div'l Court.]

[Nov. 29.]

ARMSTRONG v. TORONTO AND RICHMOND HILL STREET RAILWAY CO.

Pleading—Delivery of statement of claim—Abridgment of time—Default—Dismissal—Rules 369, 485, 646.

Under Rule 485 the court or a judge may, in a proper case, order a plaintiff to deliver his statement of claim within a limited time shorter than that allowed by Rule 369; but an order dismissing the action for failure to deliver the statement within the time so limited is not, having regard to Rule 646, to be made until after default.

And an order directing that the action should be dismissed for want of prosecution if the statement of claim was not delivered within eight days was amended so as to make it direct only that the plaintiff should deliver the statement within eight days.

Fullerton, Q.C., for the plaintiff.

Laidlaw, Q.C., and *T. H. Bull* for the defendants.

FALCONBRIDGE, J.]

[Nov. 28.]

TOWN OF TRENTON v. DYER.

Reference—Order of—Indorsement on record—Time for proceeding.

Where the judge at the trial pronounced, and indorsed upon the record, a direction that judgment should be entered for the plaintiffs on and after the