indorsement, a claim which was not properly recoverable by this summary mode of proceeding, the whole indorsement was treated as a nullity, (*c*), and the plaintiff was forced to proceed in a different way, i.e., to declare. The words in s 25 were, as was pointed out in the decision in *Sheba G. M.* v. *Trubshawe*, supra not so clearly in favor of such a construction as those of Order III, Rule 6; which has, since 1883, provided that "in all actions where the plaintiff seeks *only* to recover a debt or liquidated demand in money, . . the writ of summons may, at the option of the plaintiff, be specially indorsed." . . . The final result of the repeated efforts, (*d*), to secure a broader interpretation of the special indorsement Rule, for the purposes of the practice since the Judicature Acts, may be summed up in the following words of Lord Esher, in one of the latest cases, (*e*), on this subject: "All I can say is that the word "only" means "only", and that, if anything else is added to the liquidated demand, the writ does not come within the definition of a specially indorsed writ."

The operation of Order XIV, Rule 1, being confined, therefore, as Wills, J., expressed it, (*f*) "to the case of a defendant appearing to a writ of summons specially indorsed with a liquidated demand under Order III, Rule 6, and with nothing else," there logically followed, in the course of strict practice, the rule, (*g*), requiring that when the summons under Order XIV was taken out, the plaintiff should "have his tackle in order,' i.e., that the indorsement on the writ should be in the required form. Consequently, whenever an unliquidated claim was added to the indorsement, no proceedings under Order XIV could follow, without the issue of a fresh summons, after the indorsement had been amended by striking out the unliquidated demand.

To avoid the inconvenient effect of the decisions in such cases as have just been cited, (*h*), R.S.C., 1893, Rule 3, (1) (b), now Order XIV, Rule 1, (b), was passed; providing that, "if on the hearing of any application under this Rule, (Order XIV, Rule 1), it should appear that any claim which could not have been

(*c*) *Rogers* v. *Hunt*, supra.

(*d*) *Hill* v. *Sidebottom*, supra; *Imbert-Terry v. Carver*, 34 C.D. 506; *Clarke* v *Berger*, 36 W.R. 809, et al.

(*e*) *Wilks* v. *Wood* (1892), 1 Q.B. 684.

(*f*) *Gurney* v. *Small*, (1891), 2 Q.B. 584.

(*g*) *Paxton* v. *Baird*, 41 W.R. 88.

(*h*) Per Meredith, J., *Clarkson* v. *Dwan*, supra.