Howe v. *Howe,* 3 Ch. Ch. 494; *Thompson* v. *Thompson,* 9 P. R. 526, and a claim for interim alimony is endorsed on the writ.

Peterson v. *Peterson,* 6 P. R. 150. Here the second requisite is found—the writ is properly endorsed; but the writ was served April 20th, for some reason the statement of claim was delayed till June 29th, thereby allowing the statement of defence to be delayed till September 9th. Even then notice of motion for interim alimony was not served for two weeks, *i.e.,* the 21st September, and for the 27th September. The delay has not been accounted for; and I think the interim alimony should run only from the date of the order.

In this view, I do not direct the $113 to be taken into account, as it otherwise should or might. Probably the possession of the money accounts for the delay in making application.

In view of the short time to elapse before the trial may be had, I do not at present, at least, weigh in apothecaries' scales the means of the defendant and the amount which the plaintiff should receive as interim alimony. If for any reason the case is not tried at the coming St. Thomas non-jury sittings, the matter may be brought before me again either on the same or other material.

No costs.

Hon. Sir G. Falconbridge, C.J.K.B.　October 12th, 1912.

MAITLAND v. MACKENZIE & TORONTO Rw. CO.

4 O. W. N. 109.

Limitation of Actions—Action for " Damages " for Personal Injuries —Limitation Act, s. 49 (g), (h).

Falconbridge, C.J.K.B., *held,* that an action for damages for injuries sustained by collision with a motor vehicle was not " an action for a penalty, damages or a sum of money given by any statute " under 10 Edw. VII. c. 34, s. 49 (h), but an action on the case under sub-section (h) of the same section and therefor not barred in two years.
　Peterborough v. *Edwards* (1880), 31 C. P. 231, and
　Thomson v. *Lord Clanmorris,* [1900] 1 Ch. 718, followed.

Action for injuries by collision with a motor vehicle.

J. M. Godfrey, for the plaintiff.

D. L. McCarthy, K.C., for the defendants.