

year ago. All that either patentee could claim was a new and useful adaptation of that principle; and there was no strong evidence of that as to either patent. If the plaintiff's invention was patentable, every other of the several other ways, including the defendants', of applying the principle, must be patentable too. Though the defendants' method was not, as they contended, preferable to the plaintiff's, it was different.

Action dismissed; but, in the exercise of discretion in the matter of costs, dismissed without costs.

KELLY, J.

MAY 27TH, 1915.

SASKATCHEWAN LAND AND HOMESTEAD CO. v.  
MOORE.

*Judgment—Correction—Power of Court where Judgment as Issued does not Conform to Judgment as Pronounced—Judgment of Trial Judge—Affirmance with Variation on Appeal—Effect of, as Regards Power to Correct Original Judgment.*

Motion by the plaintiffs for an order correcting the judgment of KELLY, J., after the trial of this action, as drawn up and issued, so as to conform to the judgment as pronounced. The judgment bore date the 25th October, 1913. The reasons are noted in 5 O.W.N. 183. The judgment was in the plaintiffs' favour, with a reference to the Master in Ordinary to calculate interest, etc. An appeal was taken to the Appellate Division, and the judgment, with one variation, was affirmed: see 6 O.W.N. 100. The reference then proceeded, and the Master calculated interest, compounded, on several items found in favour of the plaintiffs. An appeal by the defendant from the Master's report came before KELLY, J., who dismissed it: see 7 O.W.N. 684. From the order dismissing the appeal, the defendant appealed to the Appellate Division; and that appeal was pending and undisposed of when the present application was made.

A. B. Cunningham and J. J. Maclellan, for the plaintiffs.  
A. J. Russell Snow, K.C., for the defendant.

KELLY, J., said that the judgment of the 25th October, 1913, in the form in which it was settled and issued, did not correctly