

DIARY FOR MARCH.

5. Sunday.....*3rd Sunday in Lent.* York changed to Toronto, 1834.
6. Monday.....Toronto Civil Assizes begin.
7. Tuesday....Court of Appeal sits. Gen. Sess. and Co. Sitts. for trial in York. Kingston Chancery sittings.
9. Thursday....Belleville Assizes.
12. Sunday.....*4th Sunday in Lent.*
13. Monday.....Lord Mansfield born, 1704.
16. Thursday....Ottawa Assizes.
18. Saturday....Arch. McLean, 8th C.J. of Q.B. Sir John Robinson, C.J. of Appeal, 1862.
19. Sunday.....*5th Sunday in Lent.* P. M. S. Vankoughnet, 2nd Chancellor of U.C., 1862.
23. Thursday....Sir George Arthur, Lieut.-Gov. of U.C., 1838.
26. Sunday.....*Palm Sunday. 6th Sunday in Lent.*
27. Monday.....St. Thomas Assizes
28. Tuesday....Canada ceded to France, 1632.
30. Thursday....Hamilton Chy. sittings. B.N.A. Act assented to, 1867. Lord Metcalf, Gov.-Gen., 1843.
31. Friday.....Good Friday.

Notes of Canadian Cases.

SUPREME COURT OF CANADA.

Exchequer Ct.]

[Feb. 20.

THE QUEEN *v.* CLARKE.*Appeal—Limitation of time—Final judgment.*

On the trial in the Exchequer Court in 1887 of an action against the Crown for breach of a contract to purchase a paper from the suppliants no defence was offered, and the case was sent to referees to ascertain the damages. In 1891 the report of the referees was brought before the court, and judgment was given against the Crown for the amount thereby found due. The Crown appealed to the Supreme Court, having obtained from the Exchequer an extension of the time for appeal limited by statute and sought to impugn on such appeal the judgment pronounced in 1887.

Held, GWYNNE and PATTERSON, JJ., dissenting, that the appeal must be restricted to the final judgment pronounced in 1891; that an appeal from the judgment given in 1887 could only be brought within thirty days thereafter, unless the time was extended as provided by the statute, and the extension of time granted by the Exchequer Court refers on its face only to an appeal from the judgment pronounced in 1891.

Held, per GWYNNE and PATTERSON, JJ., that the judgment given in 1891 was the only judgment in the suit in respect to the matters put in issue by the pleadings, and on appeal therefrom all matters in issue are necessarily open.

Appeal dismissed with costs.

Robinson, Q.C., and *Hogg*, Q.C., for appellant.

McCarthy, Q.C., and *McDonald*, Q.C., for respondents.