

Full Court.]

MACPHERSON v. SAMET.

[April 21.

County Court action on promissory note—No particulars or formal claim of damages.

It is not necessary in an action on a promissory note in a County Court to endorse on the writ, or to serve the defendant with, particulars of the plaintiff's claim, nor is it necessary that a formal claim of damages should follow in the declaration of the setting out of the note and its presentment and non-payment.

C. E. Duffy, for appellant. *J. W. McCready*, for respondent.

Vanwart, J.]

THE BREWERIES v. MCCOV.

[April 22.

Defective judgment docket—If clerk's entry is right judgment will not be set aside.

The docket, which the plaintiff's attorney delivered to the clerk with the judgment roll, on which judgment was signed, did not contain the venue or the number of the roll, but both these particulars were entered in the clerk's alphabetical docket as provided by section 171 of the Supreme Court Act.

Held, that this docket is simply for the convenience and information of the clerk, so that if the latter's entry in the alphabetical docket contains the required particulars the judgment cannot be attached because of the attorney's defective docket paper.

J. D. Phinney, Q.C., for plaintiff. *W. Vanwart*, Q.C., for defendant.

Province of Manitoba.

QUEEN'S BENCH.

Dubuc, J.]

DOUGLAS v. PARKER.

[April 1.

County Court—Appeal from County Court—County Courts Act, s. 315, 59 Vict., c. 3, s. 2—Amount in question.

This was an appeal from the County Court of St. Norbert in a case tried by a jury before His Honour Judge Prud'homme. The plaintiff's claim was for the value of about fourteen tons of hay alleged to have been taken by the defendant. The jury at first brought in a verdict that the defendant should give fifteen tons of his own hay to the plaintiff; but, on being directed to retire and give a verdict for an amount certain, if for plaintiff, or to give a verdict for defendant, they finally brought in a verdict for defendant. This verdict was said to have been explained on the supposition that in the opinion of the jury the hay belonging to plaintiff which had been taken was of little or no value.

Held, following *Aitken v. Doherty*, 11 M.R. 624, that the Judge appealed to might review the evidence with the view of determining the value of the