

Full Court.]

MARTIN v. BROWN.

[June 21.

*Appeal—County Court—Judgment—Entry of—What constitutes
—Extension of time.*

Appeal from a judgment in the County Court. On Nov. 3, 1904, the judge gave written reasons stating that his judgment was for defendant with costs and on the same day the registrar entered in his record book "Judgment for defendant with costs." Notice of appeal was not served until 16th March. The short point for decision was as to when the judgment was perfected and whether it was necessary to take out a formal judgment.

Held, that the appeal was not brought in time as the judgment was perfected when a note of it was made by the registrar in his book, and that no special form of judgment is necessary except in special cases where the judgment is in the nature of a decree.

Held, also, that the Court will no longer entertain motions for the extension of time for appealing where the time limited has expired.

L. G. McPhillips, K.C., for appeal. *J. H. Senkler*, K.C., and *F. W. Tiffin*, contra.

Full Court.]

[July 3.

ALASKA PACKERS ASSOCIATION v. SPENCER.

*Practice—Order for special jury—New trial—Whether order is
exhausted after first trial.*

Decision of Martin, J., reported p. 299, ante, affirmed, Hunter, C.J. dissenting.

An order for trial with a jury may be provisional in its nature, but it is only so when there has been a change in circumstances such as an amendment of the pleadings.

Bodwell, K.C., for the appeal. *Peters*, K.C., contra.