

DIARY FOR DECEMBER.

1. Friday Convocation meets. Princess of Wales born, 1844.
3. Sunday 1st Sunday in Advent.
5. Tuesday Gen. Sess. and Co. Ct. sittings for trial in York.
6. Wednesday Rebellion broke out, 1837.
7. Thursday Chy. Div. H.C.J. sits. Rebels defeated at Toronto, 1837.
8. Friday Convocation meets. Sir Wm. Campbell, 6th C.J. of Q.B., 1825.
9. Saturday Michaelmas Term ends.
10. Sunday 2nd Sunday in Advent. Niagara destroyed by the U.S. troops, 1813.
12. Tuesday County Court sittings for trial, except in York.
13. Wednesday S. H. Strong appt. C.J. of Supreme Court, 1892.
15. Friday J. B. Macaulay, 1st C.J. of C.P., 1849. Prince Albert died, 1861.
17. Sunday 3rd Sunday in Advent. First Lower Canada Parliament, 1792.
18. Monday Slavery abolished in the United States, 1862.
19. Tuesday Fort Niagara captured, 1813.
24. Sunday 4th Sunday in Advent. Christmas vacation begins.
25. Monday Christmas Day.
26. Tuesday Convocation meets. Upper Canada made a province, 1791.
27. Wednesday J. G. Spragge, 3rd Chancellor, 1869.
29. Friday Sir Adam Wilson, C.J. of Q.B., died, 1891.
31. Sunday 1st Sunday after Christmas. Montgomery repulsed at Quebec, 1775.

Reports.

EXCHEQUER COURT.

TORONTO ADMIRALTY DISTRICT.

(Reported for THE CANADA LAW JOURNAL.)

THE SHIP W. J. AIKENS.

Jurisdiction of Exchequer Court of Canada in Admiralty cases—R.S.C., c. 75, s. 34—Costs.

A seaman (engineer on a tug) took proceedings in the Exchequer Court, Admiralty side, on a claim for \$136 wages, and arrested the ship. On the trial at Collingwood it was contended that the court had no jurisdiction to try a claim for less than \$200 in the Admiralty Court, the owner not being insolvent, the ship not being under arrest, and the case not referred to the court by a judge, magistrate, or justice pursuant to R.S.C., c. 75, s. 34, The Inland Waters Seaman's Act.

Held, that the Admiralty Act, 1891, conferred upon the Exchequer Court all the jurisdiction possessed by the High Court Admiralty Division in England as it stood on the 25th July, 1890, the date of the passing of the Colonial Courts of Admiralty Act, 1890; and that the Admiralty Court in Canada could now try any claim for seaman's wages, including claims below \$200; and that s. 34 of R.S.C., c. 75, was repealed by implication (not having been expressly preserved) to the extent, at any rate, that it curtailed the jurisdiction of the Admiralty Court to entertain claims for seaman's wages below \$200 in amount.

Held, as to the costs of any such action, that they were in the discretion of the judge trying the cause: *Rule 132 Canadian Admiralty Rules*. This was the practice and rule in England on July 25th, 1890, and since: *Tenant v. Ellis*, L.R. 6 Q.B.D. 46; *Rockett v. Clippingle*, 2 Q.B. (1891) 293; *The Salthurn*, (1892) Pro. 333.

[TORONTO, Nov. 30th, 1893. McDougall, Local J.]