

EXCHEQUER COURT OF CANADA.

March 18, 1892.

Coram BURBIDGE, J.

CLARK et al. v. THE QUEEN.

Practice—Extension of time for leave to appeal after period prescribed by statute has expired—The Exchequer Court Act (1887) sec. 51, 53 Vic., c. 35, s. 1—Grounds upon which extension will be granted.

Where sufficient grounds are disclosed, the time for leave to appeal from a judgment of the Exchequer Court of Canada prescribed by section 51 of *The Exchequer Court Act* (as amended by 53 Vic., c. 35, s. 1) may be extended after such prescribed time has expired. The application in this case was made within three days after the expiry of the 30 days within which an appeal could have been taken.

2. The fact that a solicitor who has received instructions to appeal has fallen ill before carrying out such instructions, affords a sufficient ground upon which an extension may be allowed after the time for leave to appeal prescribed by the statute has expired.

3. Pressure of public business preventing a consultation between the Attorney-General for Canada and his solicitor within the prescribed time for leave to appeal, is sufficient reason for an extension being granted although the application therefor may not be made until after the expiry of such prescribed time.

Hogg, Q. C., for motion.

McCarthy, and *Christie, Q. C.*, *contra*.

March 21, 1892.

Coram BURBIDGE, J.

CORSE et al. v. THE QUEEN.

Goods stolen while in bond in Customs Warehouse—Claim for value thereof against the Crown—Crown not a bailee—Personal remedy against officer through whose act or negligence the loss happens.

The plaintiffs sought to recover from the Crown the sum of \$465.74 and interest, for the duty paid value of a quantity of glazier's diamonds alleged to have been stolen from a box, in which they had been shipped at London, while such box was at the Examining Warehouse at the Port of Montreal.