

EXCHEQUER COURT—ADMIRALTY.

McCull, Loc. J.] COOK *v.* THE MANANEUSE. [Oct. 13, 1898.

Breach of contract to carry passengers—Action in rem.

The plaintiff for an alleged breach of a contract to carry him from Liverpool to St. Michaels and thence to Yukon Gold Fields took proceedings against the ship and obtained a warrant for her arrest.

Held, that even if the breach alleged were established, the plaintiff was not entitled to a lien on the vessel.

F. R. McD. Russell for the plaintiff. *D. G. Marshall*, for the ship.

North-West Territories.

SUPREME COURT.

En Banc.] ULLRICK *v.* DAUM. [Dec. 5, 1898.

ULLRICK *v.* ANDREWS.

Criminal law—Appeal from conviction—Defective notice—Ordinance No. 10 of 1895—Deputy clerks.

Appellant, having been convicted by a J.P. on two charges of assault, gave notice that he would appeal "to the next sitting of the Supreme Court, to be holden at Saltcoats on Monday, the 3rd day of October, A.D. 1898," and filed his notice of appeal and recognizance in the office of the deputy clerk at Yorkton. The next regular sitting of the Court at Saltcoats had been fixed by order-in-council for the 6th (and not 3rd) of October. Under Ordinance No. 10 of 1895, a deputy clerk at Yorkton had been appointed. Saltcoats is situated within the district set apart for the deputy clerk so appointed. On the hearing of the appeal, respondents' counsel objected that the notice of appeal was defective in that it specified a wrong date for the sitting of the Court, and that it and the recognizance should have been filed in the office of the Clerk of the Court for the Judicial District of Eastern Assiniboia at Moosomin. Both points being referred to the Court en banc, it was

Held, that the notice of appeal was sufficient, and that the office of the deputy clerk at Yorkton was the proper office in which to file the notice and recognizance.

Hamilton, Q.C., for appellant. No one contra.