

The defendant was committed to the Supreme Court for trial, but elected to be tried summarily before the judge of the County Court for District No. 1, and was tried and convicted.

On a case reserved as to whether the Stipendiary Magistrate had power to commit for such an offence, and as to whether the fact of the prisoner being in jail and being brought before the judge of the County Court, and electing to be tried by him gave the judge jurisdiction to try the case.

*Held*, that the Stipendiary Magistrate had power to hold the enquiry and make the committal.

Per TOWNSHEND, J., HENRY, J. dissenting, the prisoner having appeared and consented to be tried by the County Court Judge, his objection to the jurisdiction came too late.

*Cluney*, for the prisoner. *Longley*, Q.C., Attorney-General, for the Crown.

### EXCHEQUER COURT—ADMIRALTY.

McDonald, C J., Loc. J.]

[Oct., 1898.

THE INCHMAREE STEAMSHIP CO. v. THE ASTRID.

*Collision—Rules 16 and 20 (1884).*

*Held*, (following *The Franconia*, L. R. 2 P. D. S. 8) that where two ships are in such a position, and are on such courses, and are at such distances, that if it were night, the hinder ship could not see any part of the side lights of the forward ship, and the hinder ship is going faster than the other, the former is to be considered as an overtaking ship within the meaning of Rule 20 and must keep out of the way of the latter.

2. No subsequent alteration of the bearing between the two vessels can make the "overtaking" vessel a "crossing" vessel so as to bring her within the operation of rule 16. (See new rule 24 of the Collision Rules adopted by order of the Queen in Council on 9th February, 1897, and which came into force on the 6th July, 1897.)

*R. C. Weldon* for plaintiffs. *A. Drysdale*, Q.C., for steamship.

### New Brunswick.

#### SUPREME COURT.

Full Bench.] SHARPE v. SCHOOL TRUSTEES OF WOODSTOCK. [Nov. 8, 1898.

*School rates—Arrest of non-resident—False imprisonment—Damages—Perverse verdict.*

Plaintiff, an unmarried woman and a music teacher, who had been living in British Columbia for three years, returned to visit her former