

Held, reversing the judgment of the local judge (8 Ex. C. R. I.), that the "Shenandoah" was not in fault, and that as the local judge had found the "Carmona" not to blame, and as her captain's error in judgment, if it was such, in thinking he had not room to pass between the two vessels, was committed while in the agonies of collision, his judgment as to her should be affirmed. Appeal allowed with costs.

Nesbitt, K.C., and *Hough*, for appellant. *Mulvey*, K.C., (*M. J. O'Connor* with him), for respondents.

Ex. Court.]

POWER v. GRIFFIN.

[Dec. 15, 1902.

Patent of invention—Manufacture—Extension of time.

A patent of invention expires in two years from its date, or at the expiration of a lawful extension thereof, if the inventor has not commenced and continuously carried on its construction or manufacture so that any person desiring to use it could obtain it or cause it to be made.

A patent is not kept alive after the two years have expired by the fact that the patentee was always ready to furnish the article or license the use of it to any person desiring to use it; if he has not commenced to manufacture. *Smith v. Barter*, 2 Ex. C. R. 474, overruled on this point.

The power of extension beyond the two years given to the Commissioner of Patents or his Deputy can only be exercised once.

Quere. Can it be exercised by an Acting Deputy Commissioner?

W. Cassels, K.C., and *Anglin*, for appellant. *Ridout*, for respondent.

Province of Ontario.

COURT OF APPEAL.

From Falconbridge, C.J.K.B.]

[Jan. 26.

FITZGERALD v. FITZGERALD.

Dower—Equitable estate—Voluntary conveyance by husband.

It is only when the husband dies beneficially entitled thereto that the wife acquires any right to dower in an equitable estate, and the husband can therefore deal as he pleases with such an estate, a voluntary conveyance thereof, even though made with the object of preventing the wife acquiring any right to dower, being unimpeachable by her.

Judgment of FALCONBRIDGE, C.J.K.B., affirmed.

Aylesworth, K.C., and *W. G. Bennett*, for appellant. *Watson*, K.C., and *Edwards*, K.C., for the respondent.