

(1899) 2 Q.B. 132; *Hall v. Snowdon*, (1899), 2 Q.B. 136; and *Louth v. Ibbotson*, (1899), 1 Q.B. 1003, referred to.

Appeal dismissed with costs.

*Mignault*, K.C., and *Martineau*, K.C., for appellant. *Newcombe*, K.C., and *Decarie*, K.C., for respondent.

Ex. Ct.]                      SS. ARRANMORE *v.* RUDOLPH.                      [Dec. 26, 1906.

*Shipping—Collision—Violation of rules not effecting accident—Steering wrong course.*

The Supreme Court will not set aside the finding of a nautical assessor on questions of navigation adopted by the Local Judge, unless the appellant can point out his mistake and shew conclusively that the judgment is entirely erroneous. *The Picton*, 4 S.C.R. 648, followed.

A steamer coming up Halifax Harbour ran into a schooner striking her stern on the port side. No sound signals were given. The green light of the schooner was seen on the steamer's port bow, and the latter starboarded her helm to pass astern and then ported. He then was so close that he stopped the engines, but too late to prevent the collision.

*Held*, that though under the rules the schooner should have kept her course and also was to blame for not having a proper look-out, neither fault contributed to the collision. Appeal dismissed with costs.

*Harris*, K.C., and *Mellish*, K.C., for appellants. *W. B. A. Ritchie*, K.C., for respondents.

Davies, J.]                      THE KING *v.* GILBERT.                      [Feb. 1.

*Criminal law—Extension of time for notice of appeal—Jurisdiction.*

The power given by s. 1024 of Crim. Code (R.S.C., 1906, c. 146) to a judge of the Supreme Court of Canada to extend the time for the service on the Attorney-General of notice of an appeal in a reserved Crown case, may be exercised after the expiration of the time limited by the code for the service of such notice. *Banner v. Johnston*, L.R. 5 H.L. 157, and *Vaughan v. Richardson*, 17 S.C.R. 703, followed.

*Bethune* and *Balfour*, for the application.