

*Held*, on appeal, CLEMENT, J., dissenting, that the omission of the solicitor's agent to keep open the question of venue until he was properly instructed should not in the circumstances be permitted to work an undue hardship on the defendant.

Davis, K.C., for plaintiffs, appellants. Joseph Martin, K.C., for defendant, respondent.

Full Court.]

[April 29.

BRYCE v. CANADIAN PACIFIC RY. CO.

*Shipping—Collision—Overtaking vessel, duty of—“Inevitable accident”—“Narrow channel.”*

*Held*, on appeal, reversing the finding of MARLIN, J., at the trial (IRVING, J., dissenting) (see ante, vol. 43, p. 589), that in this case the overtaking vessel was at fault.

Joseph Martin, K.C., and Bowser, K.C., for plaintiff, appellant. Bodwell, K.C., for defendants, respondents.

Full Court.]

COURT OF CROWN CASES RESERVED.

[April 29.

*Criminal law—Charge to jury—Duty of judge to explain their legal powers—Inability to withdraw right to acquit—Jury may find lesser instead of graver offence.*

In his charge to the jury in a criminal trial, it is not competent for the judge to withdraw from their consideration a verdict of any lesser offence which may be included in the indictment.

Maclean, K.C. (D. A.-G.) for the Crown. Joseph Martin, K.C., for the prisoner.

Martin, J.]

McJANNES v. B.C. ELECTRIC RY. CO.

[May 21.

*Practice—Discovery, examination for—Nature of under Rules.*

The omission, in the new Rules of 1906, of the amendment of June, 1900, to the old Rule 703, has not changed the practice, and an examination for discovery is still in the nature of a cross-examination.

Bloomfield, for plaintiff. Joseph Martin, K.C., for defendant company.