

H. C. OF A.
1908.
—
RE
STANLEY'S
APPLICATION
FOR A TRADE
MARK.
—

part of the necessary expenses of the applicant. Under these circumstances I think I should not be doing right if the public officer were not allowed his costs, not as a penalty on the applicant, but as part of his expenses of obtaining the necessary attendance of the public officer. I therefore order the applicant to pay the costs of the Commissioner, which I fix at £5 5s.

Application granted. Applicant to pay costs of Commissioner.

Solicitors, for applicant, *Waters & Crespin.*

Solicitor, for Commissioner, *C. Powers*, Commonwealth Crown Solicitor.

B. L.

[HIGH COURT OF AUSTRALIA.]

LEVER BROS. LTD. APPELLANTS;

AND

G. MOWLING & SON RESPONDENT.

H. C. OF A.
1908.
—

Practice—Appeal from Supreme Court of State—Extension of time for giving notice—Rules of the High Court 1903, Part I., Order XLV., r. 6; Part II., Section I., r. 4, Section III., r. 4.

MELBOURNE,
Feb. 27.
—

Semle, Rules of the High Court 1903, Part I., Order XLV., r. 6, does not apply to an appeal from the Supreme Court of a State, and the High Court has no jurisdiction to extend the time for giving notice of such an appeal.

Griffith C.J.
—

IN CHAMBERS.

SUMMONS.

This was an application by Lever Brothers Ltd., who proposed to appeal from a decision of the Supreme Court of Victoria, in a

matter in which they and G. Mowling & Son were parties (*In re Application of G. Mowling & Son, Ex parte Lever Brothers Ltd.*)
 (1) for an extension of the time within which to give notice of appeal and to file the affidavit required by r. 7A of Section III. of Part II. of the *Rules of the High Court* 1903.

H. C. OF A.
 1907.
 }
 LEVER BROS.
 LTD.
 v.
 G. MOWLING
 & SON.

Sproule, for the appellants, in support, referred to *Rules of the High Court*, Part I., Order XLV., r. 6; Part II., Section I., r. 4, and Section III., r. 4.

Levinson, for the respondents, *contrâ*, was not called upon.

GRIFFITH C.J. I have grave doubts whether Order XLV., r. 6, has any application to such a matter as this. I am disposed to think that I have no jurisdiction to extend the time for giving notice of appeal. If the power exists, I think it is one that ought not to be exercised.

Summons dismissed, with costs.

Solicitor, for appellants, *E. Hart* for *A. De Lissa*, Sydney.
 Solicitors, for respondents, *Braham & Pirani*.

B. L.

(1) (1908) V.L.R., 123; 29 A.L.T., 169.