

judgment has no right of appeal to the Privy Council, he has no right to appeal to this Court. But the appellant, who is condemned by this judgment of the Court of Review to pay a sum exceeding £500 sterling, by adding to the amount claimed in first instance the interest accrued before the judgment, contends that, under the decisions of the Privy Council, such interest given by the judgment as part of the demand should be taken into consideration, when the right to appeal depends upon the amount in controversy. That would appear to be so as a general rule, when the right to appeal depends upon the amount in controversy on the appeal. *Goorospersad v. Jugqutchunder* (8 Moo. Ind. App. 166; 13 Moo. 472); *Anderson v. The Quebec Fire Assur. Co.* (13 Moo. 477) *Barker v. Ownston* (4 App. Cas. 270); *Mathieu v. The Montmorency* (Cass. Dig. 451). But does this apply to appeals to the Privy Council in the Province of Quebec, wherein it is enacted in express terms (Art. 2311, Rev. Stat. Q.), that "whenever the right to appeal is dependent upon the amount in dispute, such amount shall be understood to be that demanded and not that recovered, if they are different." These are plain words, susceptible, it seems to me, of but one construction, that given to it by the Court of Appeal in *Stanton v. The Home Insurance Company*, (2 *Legal News*, 314). There the amount claimed was the very same amount of \$2,150 claimed in the present case, and the appellant, as here, to support his right of appeal to the Privy Council, contended that the interest accrued since the institution of the action gave him the statutory right of appeal. But the Court held that under the statute (now Art. 2311 R.S.Q.) that contention could not prevail. Here are the *considérants* of the judgment refusing leave to appeal:—

"Considering that it is provided by Sect. 25 of Chap. 77, C.S. L.C., that whenever the right to appeal from any judgment of any Court is dependent on the amount in dispute, such amount shall be understood to be that demanded, and not that recovered, if they are different;

"And considering that the amount which the appellant demanded in and by his declaration in this cause, was less than £500 sterling, to wit, a sum of \$2,150, and that according to law and the practice of this Court, the interest accrued since the action was served and returned into Court, cannot be added to