

Quebec.]

LABERGE v. EQUITABLE LIFE ASSURANCE SOCIETY.

[Nov. 8.]

Appeal—Amount in dispute—54-55 Vict., c. 25, s. 3, s. 4.

By virtue of s. 4 of s. 3 of c. 25 of 54-55 Vict., in determining the amount in dispute in cases in appeal to the Supreme Court of Canada, the proper course is to look at the amount demanded by the statement of claim, even though the actual amount in controversy in the court appealed from was for less than \$2,000, the plaintiff having obtained a judgment in the court of original jurisdiction for less than \$2,000, and not having taken a cross-appeal upon the defendants appealing to the intermediate Court of Appeal. *Levi v. Reed* (6 S.C.R. 482) affirmed and followed; GWYNNE, J., *dissen ing.*

Motion to quash refused with costs.

Laflamme for the appellant.*MacMaster*, Q.C., for the respondents.

EXCHEQUER COURT OF CANADA.

TORONTO ADMIRALTY DISTRICT.

McDOUGALL, Local J.]

"THE GRACE."

[Dec. 20, 1894.]

International law—Boundary line—Three-mile limit—Inland waters.

The case was tried at St. Catharines on Sept. 23, before His Honour Judge McDOUGALL, Local Judge of the Toronto Admiralty District.

It was shown that the steamship "Grace," a foreign fishing vessel, was on April 21st, 1894, seized on Lake Erie by a government cruiser for an alleged infraction of the Fishery Act. It was found by the court that the vessel when seized was more than three marine miles from the shore, but clearly north of the international boundary line between Canada and the United States.

Held, that the three marine miles limit which prevails upon the high seas is not applicable to inland waters, but that the position of the international boundary line governs. A foreign vessel fishing without a license upon the Canadian side of the boundary line, upon an inland lake, is subject to seizure and condemnation under the provisions of the Act respecting fishing by foreign vessels.

Eccles for the Crown.*German* for the owners and claimants of the ship.

SUPREME COURT OF JUDICATURE FOR ONTARIO.

HIGH COURT OF JUSTICE.

Queen's Bench Division.

Div'l Court.]

NELLIGAN v. NELLIGAN.

[Dec. 7.]

Alimony—R.S.O., c. 44, s. 29—Restitution of conjugal rights—Cohabitation.

The provision found in R.S.O., c. 44, s. 29, giving jurisdiction to grant alimony to any wife whose husband lives separate from her without any sufficient