

Dominion of Canada.

SUPREME COURT.

Que.]

DONOHUE v. DONOHUE.

[Feb. 11.]

*Appeal—Jurisdiction—Matter in controversy—Removal of executors—
Acquiescence in trial court judgment.*

The Supreme Court of Canada has no jurisdiction to entertain an appeal in a case where the matter in controversy has become an issue relating merely to the removal of executors, though by the action an account for over \$2,000 had been demanded and refused by the judgment at the trial, against which the plaintiff had not appealed. *Noel v. Cherrifils*, 30 S.C.R. 327, followed; *Laberge v. Equitable Life Assurance Society*, 24 S.C.R. 59, distinguished. Appeal quashed with costs.

Belcourt, K.C., for motion. *Falconer*, contra.

Que.]

DREW v. THE KING.

[March 26.]

Criminal law—Perjury—Judicial proceeding—De facto tribunal—Misleading justice—Jurisdiction—Construction of statute.

An information under R.S.Q., art. 5551, for trespass upon lands in the County of Huntingdon, in the District of Beauharnois, was laid, heard and decided before the Recorder of Valleyfield, an ex officio justice of the peace within the whole district, but who did not reside in the county where the offence was charged to have been committed and was, therefore, without jurisdiction to hear the case, as R.S.Q., art. 5561, provides that such offences shall be cognizable only by a justice or justices resident within the county where the offence has been committed.

Held, affirming the judgment appealed from (Q.R. 11 K.B. 477), TASCHEREAU, C.J., dissenting, that the hearing of said charge by the Recorder, acting as a justice of the peace having power to hear it, was a judicial proceeding within the meaning of s. 145 of the Criminal Code, and that the appellant was rightly convicted of perjury committed by him upon such hearing, notwithstanding that the recorder had no jurisdiction over the subject matter of the complaint. Appeal dismissed.

Wilson, for appellant. *Duncan McCormick*, K.C., for the Crown.

N.S.]

GREEN v. MILLER.

[March 26.]

Libel—Privilege—Proof of malice—Admissibility of evidence—Misdirection—New trial.

G., local manager for Nova Scotia of the Confederation Life Assurance Co., of which M. had been a local agent, wrote to Mrs. Freeman, a policy