

judgment of the Court of Queen's Bench, by which it was dismissed. The respondents moved to quash the appeal.

Held, that to determine the amount in controversy necessary to entitle L. to an appeal, only his own pecuniary interest could be looked at, and that being less than \$2,000, the appeal would not lie; the fact that the contestation, if successful, would give the estate the benefit of more than \$2,000, did not give the Court jurisdiction.

Appeal quashed with costs.

Turcotte, for the motion.

Geoffrion, Q.C., contra.

Province of Ontario.

COURT OF APPEAL.

From MEREDITH, C.J.]

[May 12.]

FLOOD v. VILLAGE OF LONDON WEST.

Negligence—Contributory negligence—Negligence of driver of carriage—Injury to occupant.

The doctrine that the occupant of a carriage is not identified as to negligence with the driver, applies only where the occupant is a mere passenger, having no control over the management of the carriage.

Where, therefore, the hirer of a carriage allows one of his friends to drive and an accident results from the latter's negligence, the former cannot recover.

Judgment of MEREDITH, C.J., affirmed.

P. McPhillips, for the appellant.

E. R. Cameron, for the respondents.

[May 12.]

KNICKERBOCKER TRUST COMPANY OF NEW YORK v. WEBSTER.

Security for costs—Interpleader—Party out of jurisdiction.

Where the sheriff obtains an order directing the trial of an interpleader issue between the execution creditor and the claimant of the goods seized under the execution, the party out of the jurisdiction, whether plaintiff or defendant, must give security for costs to his opponent in the issue. BURTON, J.A., dissenting.

G. G. Mills, for the appellant.

J. B. Clarke, Q.C., for the respondents.

HIGH COURT OF JUSTICE.

DIVISIONAL COURT.]

[April 10.]

RE ROBINSON.

Infant—Indentured as domestic servant—Right of mother to custody of—Charitable institution.

Where a child under the protection, with her mother's consent, of the