

*Held*, that the building for which a contract had been entered into, having been completed over five years ago, there remained but the question of costs and the \$545 claim for bricks in dispute between the parties, in the judgment appealed from, and that amount was not sufficient to give jurisdiction to the Supreme Court of Canada under R. S. C. c. 135, s. 29. The appeal was quashed with costs. *Cowan v. Evans*, Supreme Ct. of Canada, 24 June 1893.

4. JURISDICTION—AMOUNT IN CONTROVERSY—54-55 VICT. CAP. 25, SEC. 4—QUEBEC.

On the 30th September, 1891, when the Statute 54-55 Vict., c. 25, s. 4, was passed, enacting that the amount demanded and not that recovered should determine the right to appeal when the right to appeal is dependent upon the amount in dispute, the Superior Court had *en délibéré* an action of damages brought by the respondent against the appellant for \$3,050 of damages. The Superior Court on the 5th December, 1891, dismissed the respondent's action. On appeal to the Court of Queen's Bench for Lower Canada (appeal side) the Court on the 23rd February, 1893, reversing the judgment of the Superior Court, granted \$880 damages to respondent with interest from the 16th June, 1887. On appeal to the Supreme Ct. of Canada.

*Held*, that the Statute 54-55 Vic., c. 25, did not apply to cases pending, and as the amount of the judgment appealed from was under \$2,000 the case was not appealable, following on the question of the non-retroactivity of the Statute, *Williams v. Irvine*, (22 Can. S. C. R. 108) and as to the amount in dispute, *Monette v. Lefebvre*, (16 Can. S. C. R. 357). Gwynne, J., dissenting. Appeal quashed with costs. *Cowan v. Evans*, Supreme Ct. of Canada, 24 June, 1893.

NOTE.—The appeal of the Montreal Street Railway Co. v. Carrière, argued at the October session 1893 was quashed on the same grounds.

5. JURISDICTION—AMOUNT IN CONTROVERSY—54-55 V., c. 25, s. 4—NON-RETROACTIVITY.

In an action brought by the respondents on the 25th July, 1889, claiming \$5,000 damages alleged to have been sustained by them by the production of a plea and incidental demand by the appellants in a case before the Superior Court for the district of Montreal, under number 528, the Superior Court on the 27th day of September, 1890, granted \$300 damages to the respondents.

The appellants, defendants, then appealed to the Court of Queen's Bench, and that Court on the 28th February, 1893, confirmed the judgment of the Superior Court.

On appeal to the Supreme Court of Canada:

*Held*, following *Williams v. Irvine*, 22 Sc. R. 108, that 54-55 V., c. 25, did not apply to cases pending before the Court on the 30th Sept. 1891, and the appeal should be quashed for want of jurisdiction.—Gwynne, J., dissenting.

The appeal was quashed with costs. *Mitchell v. Trenholme*, Supreme Court of Canada, 24 June 1893.

6. RIGHT OF—54-55 V., c. 25, s. 4—AMOUNT IN DISPUTE—JURISDICTION—QUEBEC.

In an action of damages for \$5,000 brought for the death of a person by a consort, the Superior Court in April 1891, granted \$1,000 damages and the judgment was acquiesced in by the plaintiff, but defendant appealed to the Court of Queen's Bench and that Court affirmed the judgment of the Superior Court in December, 1892. 54-55 V., c. 25, s. 4, declaring 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," was sanctioned 30th September, 1891. On appeal to the Supreme Court of Canada.

*Held*, that 54-55 Vict. did not apply to such a case, and that the case was not appealable. *Monette v. Lefebvre*, (16 Can. S. C. R. 357); *Williams v. Irvine*, (22 Can. S. C. R. 108). Appeal quashed with costs. *Mills v. Limoges*, Supreme Court of Canada, 24 June, 1893.

7. RIGHT OF—NEW TRIAL.