

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 day of February 1893, confirmed the judgment of the Superior Court.

On appeal to the Supreme Court of Canada :

Held, following the decision in *Williams v. Irvine*, 22 Can. S. C. R. 108, that 54-55 Vic. ch. 25, did not apply to cases *en délibéré* before the Superior Court on the 30th September, 1891, and the appeal should be quashed for want of jurisdiction. Gwynne, J., dissenting.

Appeal quashed with costs.

Buchan, for motion.

Delisle, contra.

24 June, 1893.

MILLS et al. v. LIMOGES.

Quebec.]

Right of appeal—54-55 Vic. ch. 25, sec. 4—*Amount in dispute*—*Jurisdiction*.

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 Vic. ch. 25, sec. 4, declaring that "when ever 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 Vic. 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 C. S. R. 108).

Appeal quashed with costs.

H. Abbott, Q. C., and *E. Lafleur*, for appellants.

Demers, for respondent.