

lieu, cette Cour le condamne à payer aux appelants tous les frais encourus en Cour de première instance qu'en Révision, et sur le présent appel." (M. le Juge Monk et M. le Juge Tessier ne concourent pas dans ce jugement.)

Judgment reformed.

*Béique & McGoun* for Appellants.

*Roy & Boutillier* for Respondents.

MONTREAL, Sept. 17, 1880.

Sir A. A. DORION, C.J., MONK, RAMSAY and CROSS, JJ.

DOBIE, Appellant, and THE BOARD OF TEMPORALITIES, &c., Respondents.

*Appeal to Privy Council—Injunction—C.C.P.*  
1178.

*An appeal lies to the Privy Council from a judgment of the Queen's Bench dissolving an injunction, where the matter in dispute exceeds £500 stg.*

The appellant Dobie moved for leave to appeal to H. M. in Her Privy Council from the judgment of June last (p. 244).

*Morris*, for the respondent, resisted the application, on the ground that the action was by way of injunction, and that no appeal lay. He cited *O'Farrell & Brassard*, 1 Q.L.R. 214; *Belleville & Doucet*, 1 Q.L.R. 250; and *Pacaud & Gagné*, 17 L.C.R. 357.

*Macmaster*, for the appellant, relied on 1178 C.C.P., and *Buntin & Hibbard*, 1 L.C.L.J. 60.

Sir A. A. DORION, C.J., said the report of *O'Farrell & Brassard*, 4 Q.L.R. 214, was not quite correct. It had not been held that no appeal lay from a prohibition, but that no appeal lay where there was no matter in dispute exceeding the sum or value of £500 stg. The same may be said of the short holding in *Pacaud & Gagné*. *Mondelet, J.*, said that this case did not fall within any of the dispositions of the statute regulating appeals to Her Majesty (p. 375.) The appeal was also refused on the same ground in *Bellefeuille & Doucet*. But we granted the appeal in *Joly & Macdonald* (2 Legal News, 104), because there was in dispute a sum exceeding £500 stg. There is also in this case a matter in dispute greatly exceeding that amount, and therefore leave to appeal should be granted. Leave to appeal is granted, however, without

suspending the effect of the judgment dissolving the injunction.

Leave to appeal granted.

*Macmaster, Hall & Greenshields*, for Appellant Dobie.

*J. L. Morris*, for Respondents.

LOYSEAU, Appellant, and CHARBONNEAU, Respondent.

*Appeal to the Q.B. in forma pauperis.*

*The Court of Queen's Bench may grant leave to appeal to that Court in forma pauperis.*

Motion by defendant Loyseau, for leave to appeal in *forma pauperis*. The defendant was in prison under a judgment of *contrainte par corps* in default of payment of damages. It was objected that the Court had not power to grant leave to appeal in *forma pauperis*; *Legault & Legault*, 16 L.C.R., p. 163. Art. 31 C.C.P. only applies to the Superior Court.

Sir A. A. DORION, C.J. Leave to appeal in *forma pauperis* was accorded provisionally in Chambers, and confirmed subsequently by this Court in *Prevost & Rodgers* (in June 1878). The Court, in this case, grants leave to appeal in *forma pauperis*, there appearing to be some irregularity in the form of the judgment, but without expressing any opinion as to whether this irregularity will be considered fatal.

Leave to appeal in *forma pauperis* granted.

*Longpré & David*, for Appellant.

*Roy & Boutillier*, for Respondent.

ANGERS, Atty. Gen., Appellant, and MURRAY, Respondent.

*Appeal to Privy Council.*

*The Court of Queen's Bench will refuse leave to appeal to the Privy Council from a judgment of the Q. B. rejecting an appeal to the Q. B. for want of jurisdiction.*

Sir A. A. DORION, C.J. Two motions were made, one to order back the record which had been sent back to the Court below, in order to move for leave to appeal to Her Majesty; the other for leave to appeal to Her Majesty. The appeal to the Court of Queen's Bench was rejected on motion, because it had been instituted more than forty days after the judgment \* (1037

\* See 3 Legal News, p. 108.