

COWEN v. EVANS.

24 June, 1893.

Quebec.]

*Jurisdiction—Amount in controversy—54-55 Vic. ch. 25, sec. 4.—
Appeal—Right to.*

On the 30th September, 1891, when the Statute 54-55 Vic. ch. 25, sec. 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 \$3050 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 Court of Canada :

Held, that the Statute 54-55 Vic. ch. 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. (1)

Mr. Smith, for motion.

Archibald, Q. C., contra.

24 June, 1893.

MITCHELL v. TRENHOLME.

Quebec.]

Jurisdiction—Appeal—Right to—Amount in dispute—54-55 Vic. ch. 25, sec. 4.

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

(1) The appeal of *The Montreal Street Railway Co. v. Carrière*, argued at the October Session, 1893, was quashed on the same grounds.