

## SUPREME COURT OF CANADA.

FRANK JEWELL v. JOHN J. DORAN, JOHN P.  
COULSON AND J. J. MACKIE.

*Appeal—Supreme Court of Canada — Supreme Court Act 1913—  
Extension of Jurisdiction—No Application to Action Instituted  
before Amendment—Refusal to Affirm Jurisdiction.*

SUP. CT. CAN. held, that the amendment of 1913 to the Supreme Court Act extending its jurisdiction did not apply to an appeal in an action brought prior to the said amendment, even though the judgment from which the appeal was sought was of subsequent date.

*Williams v. Irvine*, 22 S. C. R. 108; *Hyde v. Lindsay*, 29 S. C. R. 99 and *Colonial Sugar Refining Co. v. Irvine*, [1905] A. C. 369, followed.

Motion under Rule 1 of the Supreme Court Rules to affirm the jurisdiction of the Supreme Court of Canada, under the following circumstances.

The writ in this action was issued on November 26th, 1912. The plaintiff in his statement of claim alleged that he was entitled to recover from the defendants the possession of certain goods and chattels of which he had been wrongfully deprived, and claimed \$5,000, their value, and in the alternative, damages for conversion. The action was tried on the 24th and 25th days of June, 1913, and judgment pronounced by HON. MR. JUSTICE BRITTON on 4th July, 1913, in which he held, 4 O. W. N. 1581, that the plaintiff was entitled to return of certain goods and chattels or their value, and directed a reference to the local Master to inquire, ascertain and report with respect to the same and as to their present value and as to the amount of loss, if any, sustained by the plaintiff, by reason of any portion of the said property being lost, damaged or destroyed while in the possession of the defendants, where such loss had not been occasioned by ordinary wear and tear. The trial Judge also held that the defendants were not liable for any default on the part of the previous tenant of the hotel in which the goods and chattels were contained. Further directions and costs were reserved. The plaintiff appealed from this judgment to the Court of Appeal. The appeal was allowed and the judgment below varied by holding that the defendants were guilty of a conversion, and were liable to pay the plaintiff the value of the goods so converted, and made a reference to the Master