

Reports and Notes of Cases.

Dominion of Canada.

SUPREME COURT.

Que.]

[Oct. 18, 1916.

MONTARVILLE LAND CO. v. ECONOMIC REALTY, LIMITED.

Appeal—Jurisdiction—Matter in controversy—Supreme Court Act s. 46 (b) and (c)—Action to remove cloud on title—Discharge of mortgage—Deferment of payment of instalments or of price—Title to land—Future rights.

The judgment appealed from maintained the plaintiff's action brought to obtain an order that it should not be obliged to pay certain deferred instalments of the price of land sold to it by the defendants (appellants) with warranty against all hypothecs, save one for \$2,000, until the discharge of certain other incumbrances alleged to be registered as affecting the said lands and for costs of protest, etc., amounting to \$33.90. On motion to quash an appeal taken from this judgment to the Supreme Court of Canada:—

Held (Duff, J., taking no part in the judgment), that, as there was no amount in controversy of the sum or value of \$2,000, nor any matter in controversy relating to the title to lands or to matters where future rights thereto might be bound, the Supreme Court of Canada had no jurisdiction to entertain the appeal under the provisions of s. 46, s.s. b and c of the Supreme Court Act, R.S.C. 1906, c. 139. *Carrier v. Sirois* (36 Can. S.C.R. 221) applied.

Appeal quashed with costs.

C. Dessaulles, K.C., for the motion; St. Germain, K.C., contra.

Ont.]

[Dec. 30, 1916.

CITY OF TORONTO v. LAMBERT AND INTERURBAN ELECTRIC RWAY.
Co.

Negligence—Electric shock—Action against two defendants—Findings of jury—Joint liability—Agreement between defendants—Right to indemnity.

In an action against two parties claiming from them jointly and severally compensation for the death of plaintiff's son from electric shock caused by negligence of both defendants, may be