

trial of such action the main contention was as to the boundary of his holding. He obtained a verdict which was affirmed by the full court.

Held, reversing the judgment appealed from, (36 N.S.R. 28,) that the only question to be decided was whether or not the land claimed by him was a part of that indicated on the plan filed, that the sole duty of the engineers was to lay out the land which the town intended to expropriate; and whether it was M.'s land or not was immaterial as the town could take it without regard to boundaries. Appeal allowed with costs.

Lovett, for appellants. *Newcombe*, K.C., and *McInnes*, for respondent.

Que.]

BEAUCHEMIN v. ARMSTRONG.

[Feb. 25.

Appeal—Jurisdiction—Amount in controversy.

Where the Court of King's Bench affirmed the judgment of the Superior Court dismissing the action but varied it by ordering the defendant to pay a portion of the costs:—

Held, that though \$2,117 was demanded by the action the defendant had no appeal to the Supreme Court of Canada as the amount of the costs which he was ordered to pay was less than \$2,000. *Allan v. Pratt*, 13 App. Cas. 780, and *Monette v. Lefebvre*, 16 S.C.R. 387, followed. Appeal quashed with costs.

Laflamme, for motion. *Perron*, contra.

Que.]

ST. LOUIS v. CITIZENS' LIGHT AND POWER CO.

[Mar. 25.

Action—Confession of judgment—Pleading—Estoppel by record—Municipal corporation—Contract—By-law—Resolution of council—Questions of fact—Concurrent findings in courts below.

A confession of judgment, for a portion of plaintiff's claim, is a judicial admission of the plaintiff's right of action and constitutes complete proof against the party making it. Judgment appealed from reserved and judgment at the trial (Q.R. 21 S.C.R. 241) restored: *Hudon Cotton Co. v. Canada Shipping Co.*, 13 S.C.R. 401, followed: *Great North-West Central R. Co. v. Charlebois* (1899) A.C. 114; 26 S.C.R. 221, distinguished. Appeal allowed with costs.

R. C. Smith, K.C., for appellants. *Bisaillon*, K.C., and *H. R. Bisaillon*, for respondents.