

T H E
LEGAL NEWS.

VOL. XVI.

OCTOBER 16, 1893.

No. 20.

SUPREME COURT OF CANADA.

OTTAWA, 24 June, 1893.

COWEN v. EVANS.

Quebec.]

*Appeal—Amount in controversy—R. S. C. ch. 135—54-55 Vic. ch. 25
—Costs.*

C. brought an action against E. claiming 1o. that a certain building contract should be rescinded. 2o. \$1900 damages 3o. \$545 for value of bricks in possession of E. but belonging to C. The case was *en délibéré* before the Superior Court when 54-55 Vic. ch. 25 amending ch. 135 R. S. C. was sanctioned, and the judgment of the Superior Court dismissed C's claim for \$1000 but granted the other conclusions. On appeal to the Court of Queen's Bench by E., the action was dismissed in 1893. C. then appealed to the Supreme Court.

Held, that the building for which a contract had been entered into having been completed over five years ago, there remained but the question of costs and the \$545 claim for bricks in dispute between the parties, in the judgment appealed from, and that amount was not sufficient to give jurisdiction to the Supreme Court under R. S. C. ch. 135, sec. 29. (See *Moir v. Corporation of Huntingdon*, 19 Can. S. C. R. 363.)

Appeal quashed with costs.

Smith, for motion.

Archibald, Q. C., contra.