

SUPREME COURT OF CANADA.

OTTAWA, May 1, 1893.

WILLIAMS v. IRVINE.

Quebec.]

Right of appeal—54 and 55 Vic., ch. 25—Construction of.

By sec. 3, ch. 25 of 54-55 Vict., an appeal is given to the Supreme Court of Canada from the judgment of the Superior Court in review (P. Q.), "where, and so long as no appeal lies from the judgment of that court, when it confirms the judgment rendered in the court appealed from, which by the law of the province of Quebec is appealable to the judicial committee of the privy council."

The judgment in this case was delivered by the superior court on the 17th November, 1891, and was affirmed unanimously by the superior court in review on the 29th July, 1892, which latter judgment was, by the law of the province of Quebec, appealable to the judicial committee. The statute 54 and 55 Vic., ch. 25, was passed on the 30th September, 1891, but the plaintiff's action had been instituted on the 22nd November, 1890, and was standing for judgment before the superior court in the month of June, 1891, prior to the passing of 54 and 55 Vict., ch. 25. On an appeal from the judgment of the superior court in review to the supreme court of Canada, the respondent moved to quash the appeal for want of jurisdiction.

Held, per Strong, C.J., and Fournier and Sedgewick, JJ., that the right of appeal given by 54 and 55 Vict., ch. 25, does not extend to cases standing for judgment in the superior court prior to the passing of the said act. *Couture v. Bouchard* followed; [21 S.C.R. 281.] Taschereau & Gwynne, JJ., dissenting.

Fournier, J.—That the statute is not applicable to cases already instituted or pending before the courts, no special words to that effect being used.

Appeal quashed with costs.

H. Abbott, Q.C., for appellant.*St. Jean* for respondent.