

priation of land by a railway company exceeds \$600, any dissatisfied party may appeal therefrom to a Superior Court, which in Ontario means the High Court or the Court of Appeal (Interpretation Act, R.S., 1906, c. 1, s. 34, sub-s. 26).

Held, that if an appeal from an award is taken to the High Court there can be no further appeal to the Supreme Court of Canada which cannot even give special leave.

Armour, K.C., and *R. B. Henderson*, for appellants. *DuVer-net* and *Kyles*, for respondent.

Ont.] ROBINSON v. MCGILLIVRAY. [April 2.

Appeal—Amount in controversy—Creditor's action—Transfer of cheque.

R. on behalf of himself and all other creditors of McG. brought an action for a declaration that the transfer of a cheque for \$1,025.00 by McG. to S. was preferential and void, and or recover the proceeds of said cheque for distribution among the creditors. The judgment of the High Court, affirmed by the Court of Appeal, dismissed the action.

Held, that the only matter in controversy was the property in the sum represented by the cheque, and such sum being more than \$1,000.00, an appeal would lie. Motion to quash dismissed.

Shepley, K.C., for motion. *Chrysler, K.C.*, contra.

Ex. Ct.] SHIP "WANDRIAN" v. HATFIELD. [April 2.

Maritime law—Collision—Negligence—Tug and tow — Negligence of tug.

A tug with the ship "Wandrian" in tow left a wharf at Parsboro', N.S., to proceed down the river to sea. The schooner "Helen M." was at anchor in the channel and the tug directed its course so as to pass her on the port side, when another vessel was seen coming out from a slip on that side. The tug then, when near the "Helen M." changed her course without giving any signal and tried to cross her bow to pass down on the starboard side, and in doing so the "Wandrian" struck her inflict-