

many years with his brother, now Mr. Justice deLorimier. The firm enjoyed a very extensive practice, and the deceased, who was deservedly very popular, will be greatly missed by his professional brethren.

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SUPREME COURT OF CANADA.

OTTAWA, Nov. 3, 1892.

Quebec.]

COUTURE v. BOUCHARD.

*Supreme & Exchequer Courts amending Act, 1891—54-55 Vic., ch. 25, s. 3—Appeal from Court of Review—Case standing over for judgment—Amount necessary for right of appeal—Arts. 1178 & 1178 (a) C. C. P.*

The action in this cause was for \$2,006, and the case was argued and taken *en délibéré* by the Superior Court sitting in review on the 30th September, 1891, the day on which the Act 54-55 Vic., ch. 25, s. 3, giving a right of appeal from the Superior Court in Review, to the Supreme Court of Canada, was sanctioned, and the judgment appealed from was rendered a month later. On appeal to the Supreme Court of Canada,

*Held*, Per Strong, Fournier and Taschereau, JJ., that the respondent's right could not be prejudiced by the delay of the Court, and under the ruling of *Hurtubise v. Desmarteau* (19 Can. S. C. R. 562), the case was not appealable.

*Per* Gwynne and Patterson, JJ. That the case did not come within the words of sec. 3, ch. 25, 54-55 Vic., inasmuch as the judgment, being for less than £500 sterling, was not a judgment from which the appellant had a right of appeal to the Privy Council in England. Arts. 1178, 1178 (a) C. C. P.

Appeal quashed with costs.

*T. C. Casgrain, Q.C.*, for motion.

*Pelletier, contra.*

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OTTAWA, Oct. 10, 1892.

Quebec.]

O'SHAUGNESSY v. BALL.

*36 Vic., ch. 81 (P. Q.)—Booms—Proprietary rights—Replevin—(Revendication)—Estoppel by conduct.*

O'S., claiming to be the legal depositary, and T. McC., claiming to be the usufructuary, of certain booms, chains and anchors in the Nicolet River, under 36 Vic., ch. 81, and which G. B., being