

be held to supersede the other as expressing the latest mind of the legislators. Appeal quashed with costs.

Litchford, Q.C., for the motion. *McVeity*, contra.

Que.]

FRECHETTE v. SIMONEAU.

[Oct. 26.

Appeal—Jurisdiction—Amount in dispute—R.S.C. c. 135, s. 29 (b).

An action was brought by the lessee of lands the rental of which was \$250 per annum, to have the lease cancelled as being simulated.

Held, that no amount of \$2,000 or upwards was in dispute, and the appeal not relating to any title to land or tenements or annual rents within the meaning of sec. 29 (b) of R.S.O. c. 135, the Supreme Court has no jurisdiction to hear it. Appeal quashed with costs.

Pelletier, Q.C., for the motion. *Fitzpatrick*, Q.C., and *L. A. Tasche-reau*, contra.

N.S.]

HAMILTON v. GRANT.

[Oct. 8.

Company—Judgment creditor—Action against shareholder—Transfer of shares—Evidence.

Judgment creditors of an incorporated company being unable to realize anything on their judgment brought action against H. as a shareholder, in which they failed, from inability to prove that he was owner of any shares. They then brought action against G. in which evidence was given, not produced in the former case, that the shares once held by G. had been transferred to H. but were not registered in the company's books. On this evidence the court below gave judgment in favour of G.

Held, affirming such judgment, that the shares were duly transferred to H. though not registered, as it appeared that H. had acted for some time as president of, and executed documents for the company, and the only way he could have held shares entitling him to do so was by transfer from G.

Held also, that although there appeared to be a failure of justice from the result of the two actions, the inability of the plaintiffs to prove their case against H. in the first could not affect the rights of G. in the subsequent suit.

The company in which G. held stock was incorporated in 1886 and empowered to build a certain line of railway. In 1890 an Act was passed intituled "An Act to consolidate and amend" the former company, but authorizing additional works to be constructed, increasing the capital stock, appointing an entirely different set of directors, and giving the company larger powers. One clause repealed all Acts and parts of Acts inconsistent therewith. G. had transferred his shares before the latter Act came into force. The judgment against the company was recovered in 1895.