

New Brunswick passed an order in council stating that the owner of the adjoining land taken claimed title to said foreshore; that it had been used by the owners for boating purposes and otherwise for more than sixty years; that the Attorney-General was of opinion that whatever rights the province may have, had been extinguished, and that no claim could be made by it to said foreshore.

Held, per Duff, J.:—This is an admission touching the title to the foreshore by the only authority competent to make it and is evidence against the Dominion Government in the expropriation proceedings: that it is *primâ facie* evidence of title by possession in T.; and that there is nothing in the record to impair the strength of this *primâ facie* case.

Appeal allowed with costs.

Teed, K.C., and Laulor, K.C., for appellant. Baxter, K.C., Attorney-General for New Brunswick, for respondent.

Que.]

LACHANCE V. CAUCHON.

[Nov 26, 1915.]

Appeal—Jurisdiction—Injunction—Matter in controversy—Refusal of costs—Supreme Court Rule 4—"Supreme Court Act," s. 46.

In an action for an injunction restraining the defendant from carrying on dangerous operations in a quarry and for \$100 damages.

Held, that the Supreme Court of Canada had no jurisdiction to entertain an appeal.

Price v. Tanguay, 42 S.C.R. 133, and *City of Hamilton v. Hamilton Distillery Co.*, 38 S.C.R. 239, referred to; *Shawinigan Hydro-Electric Co. v. Shawinigan Water and Power Co.*, 42 S.C.R. 650, distinguished.

The appeal was quashed but without costs as the respondent had neglected to move for an order to quash the appeal within the time limited by Supreme Court Rule No. 4.

Appeal quashed without costs.

Marchand, for the appellant. Gelly, for the respondent.

Alta.]

RITCHIE V. JEFREY.

[Nov. 20, 1915.]

Builders and contractors—Materials supplied—Assignment of money payable under contract—Evidence—Estoppel—Lien—Enforcing equitable assignment—Practice.

A building contractor gave a written order upon the owner directing him to pay the sum of \$800 to the plaintiff on account