

from the treasurer of the Province of Quebec on a report of distribution of the prothonotary before all the contestations to the report of collocation had been decided.

Held, affirming the judgment of the Court below, that this defence was not open to the defendant as it would be giving him the benefit of his own improper and illegal proceeding.

Appeal dismissed with costs.

Barnard, Q. C., and *Laflour*, for appellant.

Martin, for respondent.

8 November, 1894.

Quebec.]

LABERGE v. EQUITABLE LIFE ASSURANCE SOCIETY.

Appeal—Amount in dispute—54-55 Vic., ch. 25, sec. 3, sub-sec. 4.

By virtue of sub-sec. 4 of sec. 3 of ch. 25 of 54-55 Vic., in determining the amount in dispute in cases in appeal to the Supreme Court of Canada, the proper course is to look at the amount demanded by the statement of claim, even though the amount in controversy in the court appealed from was less than \$2,000,—the plaintiff having obtained a judgment in the court of original jurisdiction for less than \$2,000, and not having taken a cross appeal upon the defendants appealing to the intermediate Court of Appeal. *Levi v. Reed*, (6 Can. S. C. R. 482) affirmed and followed. Gwynne, J., dissenting.

Motion to quash refused with costs.

Laflamme, for appellant.

Macmaster, Q. C., for respondents.

11 October, 1894.

Quebec.]

WEBSTER v. SHERBROOKE.

Appeal—Right of—Petition to quash by-law under sec. 4389 R. S. P. Q.—R. S. C., ch. 135, sec. 24 (g).

Proceedings were commenced in the Superior Court by petition to quash a by-law passed by the Corporation of the City of Sherbrooke under sec. 4389 R. S. P. Q., which gives the right to petition the Superior Court to annul a municipal by-law. The