

WILLIAM CHAGNON (DEFENDANT).....APPELLANT ;

1889

AND

*Dec. 4.

ALPHONSE NORMAND (PLAINTIFF)...RESPONDENT.

ON APPEAL FROM THE COURT OF QUEEN'S BENCH
FOR LOWER CANADA (APPEAL SIDE).

*Appeal—Province of Quebec—R. S. C. c. 135 s. 29 (b)—Future Rights—
Fee of Office—Collateral Matter—Action for penalties—Effect of judg-
ment—Disqualification.*

To give the Supreme Court jurisdiction to hear an appeal in a case from the Province of Quebec by virtue of sec. 29 (b) of the Supreme and Exchequer Courts Act (R. S. C. c. 135) the matter relating to a fee of office where the rights in future might be bound must be the matter really in controversy in the suit in which the appeal is sought and not something merely collateral thereto.

This clause will not give jurisdiction in a case in which the action was brought to recover penalties for bribery under the Quebec Election Act (R. S. Q., Art. 429), even assuming that the effect of the judgment may be to disqualify the appellant from holding office under the crown for seven years.

MOTION to quash appeal from a decision of the Court of Queen's Bench, (Appeal Side) for Lower Canada, for want of jurisdiction.

The action in this case was brought to recover penalties for bribery at an election in the Province of Quebec, and resulted in the Court of Review ordering the defendant to pay \$400. The defendant was not a candidate at the election. The Court of Queen's Bench affirmed the judgment and the defendant appealed to the Supreme Court of Canada, basing his right to appeal on the ground: 1st. That the judgment had the effect of disqualifying him for seven years from holding office under the Crown in Quebec, and that his

PRESENT :—Sir W. J. Ritchie C.J. and Strong, Taschereau, Gwynne and Patterson JJ.

1889
 CHAGNON
 v.
 NORMAND.

rights in future were, therefore, bound. 2nd. That the matter related to a fee of office as a consequence of the disability to hold office, as to which an appeal is granted by sec. 29 (b) of the Supreme Court Act.

Gormully moved to quash the appeal.

Christopher Robinson Q.C. contra.

SIR W. J. RITCHIE C.J.—We do not think this appeal can be entertained. The matter of disqualification was not in question in the action for penalties, and if it had been there are no words in the statute which would give this court jurisdiction to hear the appeal. We think that an appeal, which is unknown to the common law, must be given by statute in such clear and explicit language that the right to appeal cannot be doubted.

We will not determine on this motion whether or not the appellant is disqualified for seven years by the judgment rendered against him. We will assume that this is so. But, even if that is so, this does not make his case appealable to this court. The fact that in the future, for seven years, he may be incapable of holding any office does not render the case appealable. We have already held that the words “where the rights in future might be bound” in sec. 29 of the Supreme Court Act do not mean “all cases where rights in future might be bound,” but must be read in connection with the words that precede “such like matters or things.”

Neither is the case appealable as relating to a fee of office where the rights in future might be bound. The appellant may be deprived of a fee of office for seven years, but, if that be so, that is the consequence of the judgment merely, but there is no controversy in the case relating to a fee of office where the rights in

future might be bound, as required by said section 29 1889
of the act.

CHAGNON
v.

Appeal quashed with costs. NORMAND.

Solicitor for appellant : *A. E. Gervais.*

Solicitor for respondent : *C. Fitzpatrick.*
