

WILLIAM BELL (PLAINTIFF)... ..APPELLANT;

AND

GEORGE VIPOND, ET AL (DEFEND- } RESPONDENTS.
ANTS)

1901

*March 6.

*Mar 8.

ON APPEAL FROM THE COURT OF QUEEN'S BENCH,
PROVINCE OF QUEBEC, APPEAL SIDE.

*Appeal—Débats de compte—Issues on reddition—Amount in controversy—
Jurisdiction.*

In an action *en reddition de compte*, where items in the account filed exceeding in the aggregate two thousand dollars have been contested, the Supreme Court of Canada has jurisdiction to entertain an appeal.

MOTION on behalf of the plaintiff that his security for appeal to the Supreme Court of Canada be allowed.

The motion came up on reference from a Judge in chambers to whom applicaticn had been made by way of appeal from the decision of the registrar refusing to allow the security. The circumstances of the

*PRESENT :—Taschereau, Gwynne, Sedgewick, King and Girouard, JJ.

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case are stated in the judgment of the court delivered by His Lordship Mr. Justice Taschereau

Brooke for the motion.

Markey contra.

The judgment of the court was delivered by :

TASCHEREAU J.—This is a motion by the plaintiff to allow his security for appeal to this court. His action concluded for *reddition de compte*, or in default thereof, for one thousand dollars. The defendants, admitting their obligation to render the account, filed one amounting to over eight thousand dollars, claiming two hundred and forty-two dollars as the balance thereof in their favour. The plaintiff, by a contestation of that account, claimed to be entitled to an amount which, though not specified, yet, by his allegations, clearly amounted to a sum exceeding two thousand dollars, withdrawing expressly the alternative conclusion of his declaration for one thousand dollars. The defendants joined issue on that contestation, not objecting to the withdrawal by the plaintiff of his alternative conclusion for the one thousand dollars. On that issue, the Superior Court rendered a judgment in favour of the plaintiff for two thousand one hundred and ninety-one dollars. The Court of Appeal reversed that judgment, and dismissed his action and his contestation of the defendants' account.

The defendants' objections to the plaintiff's right of appeal are unfounded. The amount demanded by the plaintiff and in controversy in the courts below and upon this appeal was and is clearly over two thousand dollars.

The motion is allowed with costs.

Motion allowed with costs.

Solicitors for the appellant : *Stephens & Hutchins.*

Solicitors for the respondents : *Smith, Markey & Montgomery.*