

1905 . SAMUEL ROULEAU (PLAINTIFF) . . . . APPELLANT;  
 \*March 16. AND  
 \*March 20. TREFFLÉ POULIOT AND OTHERS }  
 (DEFENDANTS) . . . . . } RESPONDENTS.

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

*Appeal—Jurisdiction—Future rights—Toll bridge—Exclusive limits  
 —Infringement of privilege—Matter in controversy.*

The plaintiff's action was for \$1,000 for damages for infringement of his toll bridge privileges, in virtue of the Act, 58 Geo. III. ch. 20 (L.C.), by the construction of another bridge within the limit reserved, and for the demolition of the bridge, etc. The judgment appealed from dismissed the action. On a motion to quash the appeal;

*Held*, that the matter in controversy affected future rights and, consequently, an appeal would lie to the Supreme Court of Canada. *Galarneau v. Guilbault* (16 Can. S.C.R. 579) and *Chamberland v. Fortier* (23 Can. S.C.R. 371) followed.

**M**OTION to quash an appeal from the judgment of the Court of King's Bench, appeal side, affirming the judgment of the Superior Court, District of Quebec, which dismissed the plaintiff's action with costs.

The plaintiff alleged that he was owner of a toll-bridge over the River Etchemin, to which there was a privilege attached, under the Act, 58 Geo. III. ch. 20, (L.C.), forbidding the erection of any other bridge across that river within certain limits; that the defendants had infringed his rights and caused him damages by erecting a bridge across the river within the privileged limits, and he claimed \$1,000 for damages, demolition of the newly constructed bridge, and other appropriate relief. The judgments of the courts below held that the new bridge had not been erected within the reserved limits and dismissed the action.

\*PRESENT:—Sedgewick, Girouard, Davies, Nesbitt and Idington JJ.

The plaintiff asserts the present appeal to the Supreme Court of Canada.

1905  
ROULEAU  
v.  
POULIOT.

*Belcourt K.C.* for the motion.

*Stuart K.C.* contra.

The judgment of the court was delivered by :

GIROUARD J.—The decisions of this court in *Chamberland v. Fortier* (1) and especially in *Galarneau v. Guilbault* (2) dispose of this motion to quash. Future rights are clearly at stake.

The motion to quash is rejected with costs.

*Motion dismissed with costs.*

Solicitors for the appellants: *Belleau, Belleau & Belleau.*

Solicitors for the respondents: *Drouin, Pelletier & Baillargeon.*

THE CORPORATION OF THE )  
COUNTY OF ELGIN (DEFEND- ) APPELLANTS;  
ANTS) .....

AND

1905  
April 11.

ANTOINE ROBERT (PLAINTIFF).....RESPONDENT.

ON APPEAL FROM THE CHANCELLOR OF ONTARIO.

*Appeal per saltum—Time limit—Pronouncing or entry of judgment.*

To determine whether the sixty days, within which an appeal to the Supreme Court must be taken, runs from the pronouncing or entry of the judgment from which the appeal is taken no distinction should be made between common law and equity cases.

The time runs from the pronouncing of judgment in all cases except those in which there is an appeal from the Registrar's settlement of the minutes or such settlement is delayed because a substantial question affecting the rights of the parties has not been clearly disposed of by such judgment.

(1) 23 Can. S. C. R. 371 at p. 374. (2) 16 Can. S. C. R. 579.

\*The Registrar in Chambers.