

1932

*Oct. 19.

DAVID CHALMERS AND OTHERS *v.* THE KING

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

Criminal law—Jurisdiction—Conflict of decisions—Seditious words—Joint indictment—Criminal Code, R.S.C., 1927, c. 36, sections 133, 133a enacted by 20-21 Geo. V, c. 11 and 134 re-enacted by 20-21 Geo. V, c. 11.

APPEAL by the appellants from the judgment of the Court of King's Bench, appeal side, province of Quebec (1), dismissing the appeal from their conviction by a jury and

*PRESENT:—Rinfret, Lamont, Smith, Cannon and Crocket JJ.

(1) (1932) Q.R. 52 K.B. 244.

their sentence by the Court of King's Bench, criminal side, Wilson J., for the offence of speaking seditious words.

The appellants were granted special leave to appeal to this court by Smith J., in chambers, on the ground that, at first sight, the judgment appealed from apparently conflicted with a judgment of the Court of Appeal of Ontario in a case of *The King v. Buck* (1).

On the appeal to this court, after hearing argument of counsel, the Court delivered judgment orally, quashing the appeal for want of jurisdiction, on the ground that such conflict did not exist.

Appeal quashed.

M. Garber for the appellants.

D. P. Gillmor K.C. for the respondent.

JOSEPH DORZEK, BY HIS NEXT FRIEND JOHN DORZEK, THE SAID JOHN DORZEK, AND CLEMENTINE DOR- ZEK (PLAINTIFFS)	}	APPELLANTS;
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1932
CHALMERS
v.
THE KING.
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1933
*Feb. 20.
*Feb. 27.

AND

MCCOLL FRONTENAC OIL COM- PANY, LIMITED (DEFENDANT)	}	RESPONDENT.
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ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO

Appeal—Jurisdiction—Amount in controversy in appeal—Claims for damages, by infant suing by father as next friend, and by father, in same action—Appeal by them from judgment reversing judgment at trial in their favour for a sum to each of less than \$2,000, the sums together exceeding \$2,000—Alternative motion for special leave to appeal.

The action was for damages resulting from the infant plaintiff being struck by defendant's motor truck. The infant, suing by his father as next friend, claimed for personal injuries, and his father claimed for hospital and medical expenses and loss of work. At trial the infant recovered \$1,875, and the father \$284.25. The Court of Appeal for Ontario reversed the judgment and dismissed the action. Plaintiffs appealed *de plano* to this Court. The present motion was by way of appeal from the Registrar's refusal to affirm jurisdiction.

Held: This Court had not jurisdiction. To give jurisdiction in regard to either appellant, the amount in controversy in the appeal with regard to him must exceed \$2,000. Each cause of action was complete in itself and distinct from the other. Appellants were in the same position (as to jurisdiction) as if separate actions had been brought and separate judgments rendered. The amounts recovered at trial could not be added to give jurisdiction.

*PRESENT:—Rinfret, Lamont, Smith, Cannon and Crocket JJ.

(1) [1932] 3 D.L.R. 97; 57 Can. Cr. C. 290.