

**CASE NO.****VOL. NO.****PAGE**

JACK W. SWEENEY

- and -

THE ATTORNEY GENERAL OF  
NOVA SCOTIA representing Her  
Majesty the Queen in right of the  
Province of Nova Scotia

(Appellant)

(Respondent)

CA 179130

Halifax, N.S.

CROMWELL, J.A.

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**[Cite as: Sweeney v. Nova Scotia (Attorney General), 2002 NSCA 121]****APPEAL HEARD:**

October 1, 2002

**JUDGMENT DELIVERED:**

October 9, 2002

**SUBJECT:****Standing - Application for Determination of an Abstract Question of Law - Whether appeal from dismissal is obviously unsustainable****SUMMARY:**

The appellant brought an application in the Supreme Court requesting "... a Ruling on a Question of Law, as the Law applies to property held in Joint Tenancy, that is not Joint Tenancy in Common." No facts relating to any dispute involving this question were placed before the Court. Nothing in the material suggested that the application was prompted by anything more than the appellant's curiosity and the fact that he had apparently received conflicting opinions from lawyers on the subject. A judge of the Supreme Court dismissed the application stating that "... the courts don't make determinations of law in the abstract." The appellant appealed and the respondent applied to quash the appeal.

**ISSUES:**

Was the appeal absolutely unsustainable?

**RESULT:**

Appeal quashed. The judge was correct that as a general rule the courts do not and should not make determinations of law in the abstract. While there are some exceptions to this rule, the appellant clearly does not fall within any of them. The appeal was absolutely unsustainable and was quashed.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 2 pages.</p>
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