

spondent moved to quash the appeal on the ground that no appeal lies under R.S.O. (1897) c. 48, s. 1, except in cases where the matter in controversy exceeds the sum or value of \$4,000, and in this action no sum or value is in controversy. Their Lordships (Lords Macnaghten and Davey, and Sir A. Wilson) considered that under the Act an allowance of the appeal by a judge of the Ontario Court of Appeal was necessary, and as that Court had carefully avoided expressing an opinion as to the competence of the appeal, and in the opinion of their Lordships the appeal was not competent, it was, therefore, dismissed. It is somewhat difficult to gather from the report whether the dismissal is based on the ground that the Court of Appeal had abnegated its function in not deciding whether the appeal was competent, or whether the committee proceeded on its own view of the proper construction of R.S.O. c. 48, s. 1. We are rather inclined to think the proper conclusion is that the Committee is of opinion that the Court of Appeal should determine whether the appeal is competent, and if they do not so determine the case is not appealable, but suppose the Court of Appeal were to come to an erroneous conclusion as to the appealability of a case. What is the suitor's remedy then?

CRIMINAL LAW—CONSPIRACY—OBTAINING A PASSPORT BY FALSE REPRESENTATIONS—ACTS TENDING TO PRODUCE PUBLIC MISCHIEF.

In *The King v. Brailsford* (1905) 2 K.B. 730 the defendants were indicted for conspiracy in obtaining a passport from the Foreign Secretary by falsely pretending it was required to be used by the defendant McCulloch, whereas the defendant intended and procured it to be used by some other person, to whom they sent it to be used by him in Russia in fraud of the foreign office regulations for the use of passports, to the injury, prejudice and disturbance of the lawful, free and customary intercourse between the subjects of the King and those of the Czar of Russia, to the public mischief of the subjects of the King and to the endangerment of the continuance of the peaceful relations between the King and the Czar and their subjects respectively. It was contended on behalf of the defendants, who were found guilty, that the indictment did not in law amount to a criminal conspiracy, but the Court (Lord Alverstone, C.J., and Lawrance and Ridley, J.J.) held that the indictment was good in law and the conviction was affirmed.