

OSLER, J.A., gave reasons in writing for the same conclusion.

MACLENNAN, GARROW, and MACLAREN, JJ.A., concurred.

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MARCH 17TH, 1905.

C.A.

REX v. PIERCE.

*Appeal—Court of Appeal—Right of Appeal—Order of Divisional Court—Loan Corporations Act—Judicature Act—Amending Act, 4 Edw. VII. ch. 11.*

Application by defendants for leave to appeal from order of a Divisional Court (4 O. W. R. 411) affirming a conviction of defendants by the police magistrate for the city of Toronto, upon an appeal to that Court under the Loan Corporations Act, R. S. O. 1897 ch. 205, sec. 117 (4).

The application was heard by MOSS, C.J.O., OSLER, MACLENNAN, GARROW, MACLAREN, JJ.A.

E. F. B. Johnston, K.C., and J. M. Godfrey, for defendants.

J. R. Cartwright, K.C., and J. W. Curry, K.C., for the Crown.

MOSS, C.J.O.—Defendants contend that an appeal now lies to this Court by virtue of the Act 4 Edw. VII. ch. 11, amending the Judicature Act. If that Act has conferred a right of appeal, which formerly did not exist in cases of this kind, it must be by reason of the provisions of secs. 50 and 75 of the Judicature Act, as enacted by sec. 2 of the amending Act.

Section 50 (1) deals with the jurisdiction of the Court of Appeal to hear and determine appeals from a Divisional Court. It provides that "the Court of Appeal shall have jurisdiction and power to hear and determine appeals from any judgment, order or decision, save as in this Act mentioned, of a Divisional Court of the High Court, subject to the provisions of this Act and to such rules and orders of the Court for regulating the terms and conditions on which appeals shall be allowed as are now in force or may be made pursuant to this Act." Section 75 provides that "the judgment, order or decision of a Divisional Court shall be final and there shall be no further appeal therefrom, save only at