

Judge Taschereau points out another objection to granting leave in such a case. By 60 & 61 Vict., c. 34 (Dom.), there is a limitation on appeals to the Supreme Court from judgments of the Court of Appeal, but the limitation would not extend to appeals from Divisional Court judgments. Then the power of granting leave to appeal to the Court of Appeal might work this way. If the leave were granted the case might not be appealable under 60 & 61 Vict., c. 34. If it were refused leave to appeal *per saltum* might be given in spite of the Dominion legislation.

An article in a late number of the *Canadian Law Times* on the Farquharson case states that four judges of the Supreme Court must be held to favour the right to grant leave to appeal *per saltum*. That is not so. The jurisdiction of the Court was settled by a ruling that the exercise of judicial discretion by Mr. Justice Gwynne in Chambers would not be interfered with, which is all that King and Girouard, JJ., can be held to assent to. If a case should come before the Court in the same way hereafter, there would be nothing in that ruling to prohibit a motion to quash for want of jurisdiction or to prevent either of these two judges giving effect to such motion.

For the same reason that the *Law Times* is in error your own editorial is wrong in assuming that the Court agreed with Gwynne, J., that in the Farquharson Case the Court of Appeal could not have granted the leave to appeal asked for. The grounds on which Judge Gwynne proceeded were not at all considered by the full court.

C. H. MASTERS.

Ottawa, July 6.