

direction of the Ontario Railway and Municipal Board as to the operation of a municipal railway is within the exclusive jurisdiction of the Board as to adjustment of differences arising thereunder between the municipalities in the accounting for the profits of the operation of the road, and an action in the High Court will be dismissed.

A. B. McBride, for plaintiffs. A. Miller, K.C., for defendants.

Riddell, J.]

[Oct. 24.

RE CANADIAN SHIPBUILDING CO.

*Appeal—Granting leave to appeal—Matter of public importance—Liquidation of company.*

*Held*, 1. Leave to appeal to the Court of Appeal on the ground that the question raised by the judgment of the trial court is of great public importance, will not be granted the liquidator of a company under ss. 101 (c) and 104 of the Winding-up Act, R.S.C. 1906, ch. 144, where the question involved is not of a common law or equitable right, but simply of the interpretation of a statute, and where such question is not one of frequent recurrence.

2. Leave to appeal to the Court of Appeal will not be granted the liquidator of a company under ss. 101 (c) and 104 of the Winding-up Act, from the decision of the trial court that the liquidator was not a creditor and as such entitled to the benefits of the Bills of Sale and Chattel Mortgage Act, where, if the judgment should be reversed, he could not prevail in the action unless he could successfully contend, as he must, in order to succeed, that the bills of sale under which the opposing party claimed, did not satisfy the requirements of such Act, and no case for leave to appeal on that branch of the case was made out.

J. A. Paterson, K.C., for the liquidator. H. E. Rose, K.C., for the company.