appeal direct to the latter Court under s. 26, sub-s. 3 of the Supreme Court Act. This leave was refused by the Registrar, and the plaintiff appealed to Mr. Justice Gwynne in Chambers, who held that in cases where recourse to the Court of Appeal is taken away, the Divisional Court is the highest Court of last resort in Ontario, and that plaintiff could appeal as of right to the Supreme Court. He also, though considering it unnecessary, granted leave to appeal under s. 26 (3). An appeal from this decision to the full court was dismissed on the ground that the Court would not interfere with the order granting leave to appeal, and the case was, in the following term, argued on the merits.

After judgment had been given on the merits, the Chief Justice and Mr. Justice Taschereau handed out written opinions on the above question of jurisdiction, the Chief Justice agreeing with Judge Gwynne that leave to appeal under s. 26 could properly be given, Judge Taschereau taking the contrary view and holding that the appeal should have been quashed when first before the Court. Sedgewick, J., agreed with Judge Taschereau; Girouard, J., gave no opinion on this question, and King, J., was not present on the first hearing. These important questions of jurisdiction remain, therefore, undecided, and the position may be stated in this way. Mr. Justice Gwynne alone held that there was a right of appeal from the judgment of the Divisional Court. The Chief Justice and Gwynne, J., that leave to appeal could be granted under s. 26. Taschereau and Sedgewick, JJ., that there is neither a right of appeal nor power to grant leave. King and Girouard, JJ., have expressed no opinion either way.

It must be borne in mind that their Lordships heard no argument on these questions, and the Ontario Bar will no doubt look eagerly for the matter to come before the Court again. When it does, no one would venture to predict the issue. In addition to the forcible reasons given by the Chief Justice and Mr. Justice Gwynne, is the fact that those of the former cannot matter against a previously expressed opinion, as will appear from the cases cited by Mr. Justice Taschereau. On the other hand, Mr. Justice Taschereau makes a strong case, and there are other considerations, argumentative and statutory, to support his view. If the matter should come up again before a full bench, it might result in an equal division, in which case the jurisdiction of the Court would be established against the opinion of half the judges.

C. H. MASTERS.