

granted, and this omission was urged as a reason for depriving the applicants of costs; but the Judicial Committee (The Lord Chancellor and the Lords Lindley and Kinross, and Sir A. Wilson) being of opinion that on the merits the appellants were entitled to succeed, on the ground that the judgment as to the \$50,000 was a "final judgment" from which, after the lapse of 20 days, no appeal lay either to the Supreme Court of British Columbia or to the Supreme Court of Canada, allowed the appeal with costs, notwithstanding the omission to state that the Act in question had been repealed, which in the circumstances was considered immaterial.

**CONTRACT** -- PREVENTION OF PERFORMANCE OF CONTRACT -- QUANTUM MERUIT.

*Loader v. Slowey* (1904) A.C. 442, was an appeal from the Supreme Court of New Zealand. The defendants in the action had become sureties for the due performance of a contract for the building of a tunnel and other works by one, McWilliams, for a municipal corporation. McWilliams having made default and been dismissed from the work, the defendants employed Slowey to complete the job, and by arrangement with the defendants the corporation by its servants assumed the direction and control of the work by Slowey and ultimately, as the jury found, wrongfully took possession of the works and prevented Slowey from completing them. Slowey then sued the defendants on a quantum meruit for the work actually done by him. The New Zealand Court held he was entitled to recover and the Judicial Committee of the Privy Council (Lords Macnaghten, Davey, Robertson and Lindley) affirmed the judgment.

**PRACTICE**—SPECIAL LEAVE TO APPEAL TO HIS MAJESTY IN COUNCIL—APPEAL TO SUPREME COURT OF CANADA—UNSUCCESSFUL APPELLANT TO SUPREME COURT.

In *Canadian Pacific Ry. v. Blain* (1904) A.C. 453, the Judicial Committee of the Privy Council (Lords Davey and Robertson, and Sir A. Wilson) once more reiterate the rule that in considering applications for leave to appeal by an appellant who has unsuccessfully appealed to the Supreme Court of Canada, the Committee will not grant the leave unless a question of law is raised of sufficient importance to justify it, wherever the applicant has elected to appeal to the Supreme Court, and not to His