

leave should be exercised furnishes a convenient test for the guidance of the Court or of its Judges in a matter like this. And I would also think that where the only importance of a case is on account of the amount at issue, and where, however important the matter may be for the parties to the litigation, the only question to be determined is the construction and effect of a private contract, leave to appeal to this Court from the unanimous judgment of two Courts should not be granted.

"Moreover, *In re the Ontario Sugar Co. (McKinnon's Case, 44 Can. S. C. R. 659)*, Mr. Justice Anglin refused leave to appeal, under section 106 of the Winding-up Act, on the ground that the proposed appeal raised no question of public importance, and that the affirmance or reversal by this Court of the judgment of the Ontario Court of Appeal would not settle any important question of law or dispose of any matter of public interest.

"This is emphatically the case here. The proposed appeal would deal exclusively with the question whether there has been a breach on the part of the company of the obligation it assumed under clause 7 of its agreement with the appellant, entitling the latter to claim the penalty of \$50,000, and the affirmance or reversal of the judgment of the Quebec Court of King's Bench would not settle any important question of law or dispose of any matter of public interest.

"I can therefore see no reason why I should exercise the discretion given me by section 106 of the Winding-up Act and grant leave to appeal from the judgment of the Court of King's Bench. The motion of the appellant is dismissed with costs."

#### APPEALS GIVEN BY OTHER STATUTES.

OLD SECTION 43: "Notwithstanding anything in this Act contained the Court shall also have jurisdiction as provided in any other Act conferring jurisdiction."

This section is re-enacted in the new section 43, and has reference to appeals given by such Statutes as the Criminal Code, the Exchequer Court Act, the Railway Act, the Board of Commerce Act, &c.

#### FINAL JUDGMENTS ALONE APPEALABLE.

OLD SECTION 44: "Except as provided in this Act or in the Act providing for the appeal, an appeal shall lie only from final judgments in actions, suits, causes, matters and other judicial proceedings originally instituted in a Superior Court of the