

*Judgement of the Lords of the Judicial Committee
of the Privy Council on the petition for special
leave to appeal in the case of Dumoulin v.
Langtry and others from the Supreme Court of
Canada; delivered 18th June 1887.*

Present :

LORD WATSON.

LORD FITZGERALD.

LORD HOBHOUSE.

SIR BARNES PEACOCK.

SIR RICHARD COUCH.

IN disposing of this petition their Lordships do not think it necessary to raise any question regarding the interest and right of the petitioners to insist in the action. They will assume that the petitioners have a *locus standi*, and that the point was rightly decided by the judges of the Supreme Court of Canada. The questions of law involved in the action are, no doubt, of considerable importance to the litigants who are represented at the Bar; and are also calculated to attract the attention of the public. At the same time their Lordships cannot regard these questions as being of general importance in the strict and proper sense of that term. Their determination, one way or another, will not affect other interests than those of the parties to the action. It will not be decisive of any general principle of law.

In these circumstances the question which their Lordships have to consider is this: whether the case is in itself of such importance, or of such nicety, as to require that this Board, in the interests of justice, should review the unanimous determination of nine judges of the Canadian

Courts. The petitioners themselves resorted *per saltum* to the Supreme Court of Appeal in Canada, and accordingly their Lordships must deal with the petition on the footing that they have exhausted the courts of that country. The case has been decided carefully, after full hearing, by nine judges, five of them members of the Supreme Court of Canada; and in these circumstances their Lordships do not think they would be warranted under the provisions of the Act of 1875 in recognising this as a proper case for the exercise of Her Majesty's prerogative. Their Lordships therefore dismiss the petition with costs.