

23rd Decem.
ber, 1924.

YEKINNEY RENNER and Others - - Appellants.

v.

MOHAMMED LANGLEY, alias GHEWA - Respondent.¹

Appeal, as of right, where the appeal involves some claim respecting property of the value of £300—Appeal at the discretion of the Court if the question is one of great general or public importance—No evidence to this effect.

The facts of this case are sufficiently set out in the judgment.

Application for leave to appeal to His Majesty in Council from a judgment of the Full Court of Appeal.

J. F. Boston and Betts for the Appellants.

Wright for the Respondent.

LEVY, Acting J.

This is an application for leave to appeal from a judgment of the Full Court granting an injunction against certain persons who took part and assisted in the performance of religious service at a Mosque by a person not a priest.

Mr. Boston endeavoured to profess that he could bring the case under rule 2 (a) of the Appeal Rules,² by stating that the value of the Mosque far exceeded £300. Quite apart from the fact that we have no evidence on this point, it is obvious that the case involves no claim or question respecting the property in the Mosque, and that its value is absolutely immaterial.

When asked by the Court if he relied on this rule, he said he also relied on rule 2 (b).³ As to this, he has filed no affidavit to show to the Court that, in the words of the Order in Council of 15th February, 1909, this is a case which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council.

What I take to be a typical case of "great general or public importance" is that of the Speaker of the Legislative Assembly of Victoria *v. Glass*, 7 Moore, P.C.N.S., p. 449, where special leave to appeal was given on the ground that the question raised was one of public interest involving the constitutional rights

¹ See p. 126.

² See Vol. III, p. 767.

³ See Vol. III, p. 767.

of a Colonial Legislative Assembly; or again, that of *Lindo v. Barrett*, 9 Moore, P.C.C., p. 456, where leave was given to appeal, though the subject in dispute was under the appealable value of £300, because, as Lord Justice Knight Bruce said, "the question involved is one of importance to the *whole of the community* of the Island of Jamaica."

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The question in the application before this Court concerns the worshippers at one of several Mosques which minister to the spiritual needs of the Muslims, who are a small minority in this town.

The matter, in one word, is purely parochial. Even if there had been affidavits in support of this motion, which, as I have said, there were not, it is difficult to see how it could be brought within rule 2 (b) of the Order in Council. For this reason the application must be dismissed with costs.

McDONNELL, Acting C.J.

I agree.

PRIOR, Acting J.

I agree.