

We have various jurisdictions to be appealed from—Common Law, civil and criminal; Equity; Matrimonial; Maritime; Bankruptcy; Probate, &c. &c. Is it not desirable that as many Judges as possible, conversant from daily judicial connection with those matters, should form the Court of Appeal, rather than that untried men who have never had any judicial experience, should reverse or affirm the judgments of men so experienced.

The Court to be divided into

A GENERAL APPEAL COURT,

to sit at Ottawa twice a year, and if necessary, by adjournment, in vacation; to be composed of all the Judges—five to be a quorum; and

CIRCUIT APPEAL COURTS,

to sit in each of the Provinces twice a year, and if necessary, by adjournment, in vacation; to be composed of any three of said Judges, not being members of the Court whose judgment is appealed from, or who shall not have taken part in the judgment appealed from.

JURISDICTION.

Appeals to be allowed from all the ~~Inferior~~ Courts of the Provinces of the Dominion, (on complying with the provision herein contained, and on security being given in all cases for costs, and in the discretion of the Court appealed from, for damages,) from any final decree, judgment, or sentence, or against any rule or order made in any civil suit or action having the effect of a final or definitive sentence; but an order which does not put a final end to the case, or which does not establish any principle which will finally affect the merits of the case, nor deprive the party of any benefit which he may have at a final hearing, to be considered interlocutory, from in which no appeal to be allowed. No appeal to be allowed in matters resting the discretion of the Court only; nor for mere technical or formal objections apart from the merits of the case; nor for objections not raised in the Court below, and on which a decision was made or omitted to be made, unless patent on the face of the proceedings, so that the Appellate Court may take judicial notice of the objections. It being the intention that all cases shall be decided on the merits, according to substantial justice, and not on technical objections of form not affecting the substance of the matter in controversy.

No appeal to be allowed under \$400, or some other reasonable sum to be determined, unless in causes matrimonial or testamentary; or of Admiralty jurisdiction; or where the title to land is in question; or an important principle of law of general application is involved; or where the validity of an Act of Parliament, or of any of the local Legislatures, is in question; or where there is an apparent conflict arising under the laws of the Provinces, or between any of those laws and the laws of the Dominion. The appeal in the first instance to be to the Circuit Appeal Court of the Province in which the cause is pending—whose decision shall be final if judgment of the Court below was unanimous, and the judgment of the Circuit Appeal Court thereon is likewise unanimous; unless the Circuit Appeal Court in its discretion shall, with or without imposing special terms, allow an appeal to the General Appeal Court at Ottawa; and except that an appeal to the General Court be allowed of right in all cases in which the Queen, the Dominion, a Foreign State, or public ministers and officers in their official capacity, are interested; and in all cases in which the judgment of the Court below, or the judgment of the Appeal Court is not unanimous, or the judgment of the Court below is reversed. But in all such last cases, where the judgment is

*X No authority to constitute Bench. See B.7
A. App.*