

sub-sec. (c) apply to decisions from the respective Supreme Courts of the new Provinces.

An appeal will lie under section 36 from judgments of the Supreme Courts of these new Provinces, as the words "now or hereafter established" are in that section and were in the corresponding section of the former Act. For such an appeal leave will not be necessary.

The leave under sub-sec. (c) must be granted by the Supreme Courts of these new Provinces, the words "now or hereafter established" are in that section and were in the corresponding section of the former Act. For such an appeal leave will not be necessary.

(d) From any judgment on appeal in a case or proceeding instituted in any Court of Probate in any Province of Canada other than the Province of Quebec, unless the matter in controversy does not exceed five hundred dollars;

Before the passing of this provision in 1889, it was held that an appeal would not lie from a judgment of the Supreme Court of Nova Scotia in a case originally instituted in the Court of Wills and Probate, which was not a Superior Court within the meaning of s. 24 (a), of R. S. C. c. 135 (now sec. 36); *Beamish v. Kaulbach*, 3 Can. S. C. R. 704. The only appeals under this enactment are *Lamb v. Cleveland*, 19 S. C. R. 78; *Kaulbach v. Archbold*, 31 S. C. R. 387; *McNiell v. Cullen*, 35 S. C. R. 510; *British and Foreign Bible Soc. v. Tupper*, 37 S. C. R. 100. *In re Daly Estate*, 39 S. C. R. 122.

(e) In the Yukon Territory in the case of any judgment upon appeal from the Gold Commissioner: 50-51 V., c. 16 s. 57;—51 V., c. 37, ss. 2, 3;—52 V., c. 37, s. 2;—54-55 V., c. 25, s. 3;—56 V., c. 20, s. 2;—2 E. VII., c. 35, s. 4.

By 62 & 63 V., c. 11, s. 7, the Supreme Court of British Columbia was made a Court of Appeal from judgments of the Yukon Territorial Court, and by sec. 13, an appeal was given to the Supreme Court of Canada from any judgment of the Territorial Court in a case originating before the Gold Commissioner under the Order in Council of 1871, and this, notwithstanding said order provided that the judgment of the Territorial Court in such cases should be final and conclusive. *Hartley v. Matson*, 32 S. C. R. 575. The above provisions were, however, repealed by 4 Edw. VII., c. 35.