

Territory, other than upon an appeal from the Gold Commissioner, unless,— Old sec. 46,
Quebec
appeals.

“(a) The matter in question relates to the taking of an annual or other rent, customary or other duty or fee, or a like demand of a public or general nature affecting future rights;

“(b) The title to real estate or some interest therein is in question;

“(c) The validity of a patent is affected;

“(d) It is a proceeding for or upon a mandamus, prohibition or injunction; or

“(e) The matter in controversy amounts to the sum or value of two thousand dollars or upwards.”

AMOUNT INVOLVED: It will be seen that the limitation as to value of the subject-matter of appeal, is \$2,000 in Quebec and the Yukon, while in Ontario under old section 48, and the other provinces of Canada by the amendment to 48 by 8-9 Geo. V. c. 7, the limitation as to value is \$1,000. By the new legislation, 39 (a), more than \$2,000 is required now to be in controversy, to permit of the general right of appeal given by new section 36. (See 36 and 39).

It is quite apparent from the new legislation, and the fact was expressly stated by the Minister of Justice in introducing it, that the provisions of 46, 48, 49 that were deemed of most consequence were those which fixed a monetary value upon the amount in controversy. Parliament also intended to abolish the anomalous and absurd provision, although it had the high authority which antiquity gives, that it was the amount demanded and not the amount recovered, which governed, when it was necessary to look at the amount involved between the parties, to determine whether or not an appeal lay to the Supreme Court.

The selection of more than \$2,000 instead of \$1,000 as the minimum sum required to give an appeal as of right to the Supreme Court, was made in view of the reduction of the purchasing power of money, the great increase in the volume of the country's business, the improvements in the provisions made for appeals in most of the provinces, and the increased cost of litigation particularly in the higher Courts.

LEAVE TO APPEAL.

Although when more than \$2,000 is in controversy only, is a right of appeal given *de plano* in the new Act (39 (a)), yet as pointed out (*ante*, p. 15), a most extensive power of granting leave to appeal is conferred upon the highest Court of final resort throughout Canada by section 39 (b). The only limitations on this