

What the Act apparently aims at, is to blend the former Court of Appeal and High Court of Justice into one Court, the Supreme Court of Ontario, which court is to be divided into two Divisions, the Appellate Division, and the High Court Division. But in order to carry out this idea it would seem to be necessary to vest in the amalgamated court all the jurisdiction of the two pre-existing courts, but no such provision is to be found, and on the contrary the former courts are expressly continued under other names.

The Court of Appeal is hereafter to be known as the Appellate Division of the Supreme Court of Ontario and such Division is to be a continuation of the Court of Appeal, s. 5; and the "High Court," by which is probably meant the "High Court of Justice," is hereafter to be known as the "High Court Division of the Supreme Court of Ontario," and is to be a continuation of the "High Court" by which is probably meant the "High Court of Justice."

Thus the Act, though purporting to amalgamate the former courts, virtually leaves them existent, but under different names.

Assuming that the High Court Division is still the High Court of Justice under another name, and that the Appellate Division is the Court of Appeal under another name, it becomes a matter of some moment to determine what is the exact status of the Second Divisional Court of the Appellate Division. That court is to be composed of judges of the High Court Division, it appears to be intended to exercise co-ordinate jurisdiction with the First Divisional Court of the Appellate Division, but the question will arise: is the second Divisional Court to be regarded as "the final Court of Appeal of the Province?" so that an appeal will lie therefrom to the Supreme Court. In other words does the fact of the Legislature giving to certain judges of the High Court of Justice appellate jurisdiction under the title of the Second Division of the Appellate Division, constitute the tribunal so composed, a final Court of Appeal, within the meaning of the Act relating to appeals to the Supreme Court of Canada? Until this question is affirmatively settled we should think it would hardly be wise to take cases in which a