

THE SUPREME COURT.

cases, whatever may be the value of the matter in dispute, to go to the Supreme Court; but no further appeal is to be brought to the Supreme Court on any point decided by it in any such case; nor upon any other point in such case, unless the value of the matter in dispute exceeds \$500 (sec. 57.) Possibly the same result may be arrived at in the ordinary course of an appeal, except in appeals from Quebec, which under sec. 17 are restricted to cases where the value of the matter in dispute does not amount to \$2,000.

Part II.—APPELLATE JURISDICTION.

The Appellate Jurisdiction of the Supreme Court is its most important function, and necessarily embraces a wide range of subjects, which may be classed as follows:

1. Appeals from the Exchequer Court.
2. Appeals from the Provincial Courts.
3. Appeals in Habeas Corpus Cases.
4. Appeals in Election Cases.

1. *Exchequer Appeals* may be brought from the "decision" of the Exchequer Court in any of the cases within its jurisdiction, as above defined. The "decision" of a judge sitting alone shall be the "judgment" of the court. The appellant in any suit in the court, within 30 days from the day on which the judge has given his "decision," or within such further time as the judge may allow, must deposit \$50 as security for costs, and thereupon the suit is to be set down for hearing at the next term of the Supreme Court. Notice, that the appeal which has been set down, is to be served within 3 days after the deposit; and the appellant may limit his appeal to any "special defined question or questions" (sec. 68).

2. *Appeals from the Provincial Courts* in civil cases lie to the Supreme Court "from all final judgments of the highest court of final resort, whether such court be a court of appeal or of original juris-

diction, now or hereafter established in any province of Canada, in cases where the court of original jurisdiction is a superior court. Provided that no appeal shall be allowed from the province of Quebec wherein the sum or value of the matter in dispute does not amount to \$2,000. And the right of appeal in civil cases given by this Act shall be understood to be given in such cases only as are mentioned in this section—except Exchequer cases, and cases of mandamus, habeas corpus, or Municipal by-laws, as hereinafter provided" (sec. 17). By consent of parties an appeal may be brought directly from the court of original jurisdiction (sec. 27). An appeal shall also lie (1) upon a special case (sec. 18); (2) from a judgment upon any motion to enter a verdict or nonsuit upon a point reserved at the trial (sec. 19); (3) from a judgment upon a motion for a new trial upon the ground that the judge has not ruled according to law (sec. 20); but when the application for a new trial is upon matter of discretion only, as on the ground that the verdict is against the weight of evidence or otherwise, no appeal shall be allowed (sec. 22); (4) appeals also lie in any case of proceedings for or upon a writ of mandamus; (5) and in any case of a rule quashing or refusing to quash a by-law of a municipal corporation (sec. 23).

In criminal cases—treason, felony or misdemeanour—any person whose conviction has been affirmed by any court of last resort, may appeal to the Supreme Court, and the Court may either affirm the conviction or grant a new trial as the justice of the case requires; but no such appeal shall be allowed where the court below affirming the conviction is unanimous, nor unless notice of the appeal has been served upon the proper provincial attorney-general (sec. 49).

3. *Appeals in Habeas Corpus cases* lie (1) from the decision of a judge of the