

the law as it now stands, no appeal to the Supreme Court under the existing jurisdiction.

As the law now stands, in all the provinces of Canada, except Quebec and except in the special cases with regard to titles to real estate and so forth, the right to appeal now depends upon a sum exceeding \$1,000, or property of equivalent value, being involved in the appeal. In Quebec, on the other hand, the corresponding restriction on the right to appeal is to cases in which the matter in controversy in the action, that is, demanded in the action, amounts to at least \$2,000. Thus a judgment for \$100 damages recovered in Quebec, if upheld in the Court of Appeals, is now appealable de plano to the Supreme Court, if the plaintiff's original demand was not less than \$2,000. It is felt that an appeal actually involving a matter of comparatively small value should not be permitted as of right merely because the plaintiff had been advised to claim a comparatively large sum in the first instance. These cases are provided for by extending to the province of Quebec the power to grant leave now existing in the other provinces, but as modified in section 41 of the present Bill. The Bill substantially involves giving to the provincial courts in all the provinces exclusive rights to grant leave to appeal in cases not now appealable de plano.

Mr. BUREAU: Do I understand that to mean that the judgment must be for over \$2,000 in Quebec now?

Mr. DOHERTY: In order that there should be an appeal de plano, the judgment itself, the amount in issue on the appeal to the Supreme Court, must be \$2,000, and the same provision will hold good as regards all the provinces. But to afford a recourse to those parties who had, because of the original amount of their demands, a right to appeal, and who may consider that they are being deprived of some substantial right, there will be provision whereby in cases of that kind, upon leave from the court of last resort in the province, an appeal may be had to the Supreme Court, although the amount at issue on the appeal is not \$2,000. That provision also will be common to all the provinces.

The principal purpose of the Bill is to bring about uniformity in the jurisdiction of the Supreme Court, doing away with the present existing distinctions in that jurisdiction, depending upon the province from which the appeal comes.

To summarize the Bill, under it, in order to be appealable to the Supreme Court, a

[Mr. Doherty.]

judgment must be rendered in a judicial proceeding as defined. The Bill contains a definition of a judicial proceeding, really adopting, I think, the present accepted view, but it is put in in order to clear up difficulties and differences. The judgment must not be discretionary, except in equitable proceedings in provinces other than Quebec. It must be a final judgment, as defined in the Bill, unless it directs a new trial or grants or refuses a non-suit, and finally, it must not be rendered in a criminal cause or in habeas corpus, certiorari or prohibition arising out of a criminal charge, or in habeas corpus on extradition. To be appealable as of right, the judgment must involve matter amounting to or having a value exceeding \$2,000 exclusive of costs and must be rendered by the highest court of final resort in the province. Appeals from any other court require the leave of the highest court of final resort in the province, or if \$2,000 be involved, the consent of the parties. If the judgment be rendered in a proceeding originating before any court, board or commission, of which the judges or presiding officers are not appointed by the Dominion Government; or if it involves less than \$1,000 (except in the special cases; that is, the special cases covered by clauses (a) to (e), that is to say, cases having to do with titles to land and so forth) leave of the highest court of final resort in the province to appeal from it is required.

If an amount between \$1,000 and \$2,000 is involved, and the proceeding originated in a court of which the judges are appointed by the Dominion Government and in the special cases mentioned, that is cases with regard to title to land, future rights, validity of statutes and patents and so forth, leave to appeal may be given by the Supreme Court if refused by the highest court of final resort in the province.

Motion agreed to, and Bill read a first time.

FIRST READING.

SENATE BILLS.

Bill No. 105 (from the Senate), to incorporate United Canada Fire Insurance Company.—Mr. Blake.

Bill No. 106 (from the Senate), for the relief of Arthur Jones.—Mr. Douglas (Strathcona).

Bill No. 107 (from the Senate), for the relief of Eva Mary Moss.—Mr. Sheard.

QUESTIONS.

(Questions answered orally are indicated by an asterisk).