

## SUPREME COURT RULES.

*Adding Parties to the Appeal.*

36. In any case not already provided for by the Act, in which it becomes essential to make an additional party to the appeal, either as appellant or respondent, and whether such proceeding becomes necessary in consequence of the death or insolvency of an original party, or from any other cause, such additional party may be added to the appeal by filing a suggestion as nearly as may be in the form provided for by section 43 of the Act.

37. The suggestion referred to in the next preceding rule may be set aside, on motion, by the Court or Judge thereof.

38. Upon any such motion the Court or a Judge thereof may, in their or his discretion, direct evidence to be taken before a proper officer for that purpose, or may direct that the parties shall proceed in the proper court for that purpose to have any question tried and determined, and in such case all proceedings in appeal may be stayed until after the trial and determination of the said question.

*Motions.*

39. All interlocutory applications in appeals shall be made by motion, supported by affidavit to be filed in the office of the Registrar before the notice of motion is served. The notice of motion shall be served at least *four clear days* before the time of moving.

40. Such notice of motion may be served upon the solicitor or attorney of the opposite party by delivering a copy thereof to the booked agent or at the elected domicile of such solicitor or attorney to whom it is addressed at the City of Ottawa. If the solicitor or attorney has no booked agent or has elected no domicile at the City of Ottawa, or, if a party to be served with notice of motion has not elected a domicile at the City of Ottawa, such notice may be served by affixing a copy thereof in some conspicuous place in the office of the Registrar of this Court.

41. Service of a notice of motion shall be accompanied with copies of affidavits filed in support of the motion.

42. Upon application supported by affidavit and after notice to the opposite party, the Court or a Judge thereof may give further reasonable time for filing the printed case, depositing the printed factum or points of either party, and setting down or inscribing the appeal for hearing, as required by the foregoing rules.

43. Motions to be made before the Court are to be set down in a list or paper, and are to be called on each morning of the session before the hearing of appeals is proceeded with.

*Appeals to be deemed out of Court for delay.*

44. Unless the appeal is brought on for hearing by the appellant within *one year* next after the security shall have been allowed, it shall be held to have been abandoned without any order to dismiss being required, unless the Court or a Judge thereof shall otherwise order.

45. The foregoing rules shall be applicable to appeals from the Exchequer Court of Canada, except in so far as the Act has otherwise provided.

*Criminal Appeals.*

46. The foregoing rules shall not, except as hereinbefore provided, apply to criminal appeals, nor to appeals in Habeas Corpus.

47. In the case mentioned in the next preceding rule no printed case shall be required, and no factum or points for argument in appeal need be deposited with the Registrar, but such appeals may be heard on a written case, certified under the seal of the Court appealed from, and which case shall contain all judgments and opinions pronounced in the Court below.

48. In criminal appeals and in appeals in cases of Habeas Corpus, and unless the Court or a Judge shall otherwise order, the case must be filed as follows :—

1. In appeals from any of the Provinces other than British Columbia, at least *one month* before the first day of the session at which it is set down to be heard.

2. In appeals from British Columbia at least *two months* before the said day.

49. In cases of criminal appeals and appeals in matters of Habeas Corpus, notice of hearing shall be served the respective times hereinafter fixed before the first day of the general or special session at which the same is appointed to be heard ; that is to say :—

1. In appeals from Ontario and Quebec, *two weeks*.

2. In appeals from Nova Scotia, New Brunswick, and Prince Edward's Island, *three weeks*.

3. In appeals from Manitoba, *one month*.

4. In appeals from British Columbia, *six weeks*.

*Election Appeals.*

50. The foregoing rules are not to apply to appeals in controverted election cases.

51. In such election appeals the party appellant shall deposit with the Registrar such sum as shall be required for printing the record or so much thereof as a judge may direct to be printed at the rate of thirty cents per folio of one hundred words.