

THE SUPREME COURT OF CANADA.

section *forty*, under which anything would be done which could not remedied by the final judgment, or whereby the matter in contestation would be in part decided, or the final hearing and judgment unnecessarily delayed, grant permission to such party to appeal against the same to Her Majesty in Her Privy Council, subject to the same conditions, provisions, and limitations as are hereinbefore made respecting appeals from final judgments.

43. Nothing in this Act shall extend or be construed to extend to take away or abridge the undoubted right of Her Majesty, upon the humble petition at any time of any party feeling aggrieved by any judgment of the Supreme Court, in any case in which it may appear to Her Majesty that some constitutional question, or some matter of great public interest, or some right, the value of which cannot be estimated in money, is involved, or in which for any other reason Her Majesty may be so advised, to admit the appeal of such party therefrom, upon such terms, securities, limitations, restrictions, and regulations as Her Majesty may think fit, or to reverse, correct, or vary such judgment as to Her Majesty may seem meet; but except in cases where an appeal is allowed by this section, or the three sections next preceding it, the judgment of the Supreme Court shall be final and conclusive.

CRIMINAL APPEALS.

44. A person convicted of treason, felony, or misdemeanour, before any Court of Oyer and Terminer or Gaol Delivery, or in the Court of Queen's Bench in the Province of Quebec on its Crown side, whose conviction has been affirmed by any Superior Court, or in the Province of Quebec by the Court of Queen's Bench on its appeal side, may appeal to the Supreme Court against the affirmation, and the said Court shall make such rule or order therein, either in affirmance of the conviction, or for granting a new trial, or otherwise, as the justice of the case requires, and for such rule or order into effect, anything in the eightieth section of the Act, 32 and 33 Victoria, chapter twenty-nine, to the contrary notwithstanding: Provided that no such Appeal shall be allowed where the Court affirming the conviction is unanimous, nor unless notice of Appeal in writing has been served on the Attorney General, within *twenty* days after such affirmance.

45. Unless the Appeal is brought on for hearing by the appellant at the first term of the Supreme Court, after such affirmance, the Appeal shall be held to have been abandoned, unless otherwise ordered by the Supreme Court.

46. The judgment of the Supreme Court, in such cases, shall be final and conclusive.

SPECIAL CASE OF CONSTITUTIONAL MATTERS.

47. The Governor in Council, may direct a special case to be laid before the Supreme Court sitting in term, in which special case

there may be set forth any Act passed by the Legislature of any Province of the Dominion of Canada, and thereupon there may be stated, for the opinion of the said Supreme Court, such questions as to the constitutionality of the said Act, or of any provision or provisions thereof, as the Governor in Council may order.

48. The Supreme Court shall, after hearing counsel for the Dominion of Canada, and for the Province whose Act may be in question (if the respective Governments of the Dominion and the Province think fit to appear,) and also after hearing counsel for any person or persons whose interests may be affected by the said Act, and who may desire to be heard touching the questions submitted for the opinion of the Court, and who shall have obtained leave to appear and be so heard on application to a Judge of the said Court in chambers, certify their opinions upon the said special case to the Governor in Council.

ORIGINAL JURISDICTION.

50. The Supreme Court shall have original jurisdiction in Canada, in all cases in which it shall be sought to enforce any law of Canada relating to the revenue, including actions, suits and proceedings, by way of information, to enforce penalties, and proceedings by way of information *in rem*; or in which demand shall be made or relief sought in respect of any matter which might in England be the subject of a suit or action in the Court of Exchequer on its Revenue side, by or against the Crown or the officers of the Crown.

51. The Supreme Court and any judge thereof shall have original concurrent jurisdiction to issue the Writ of Habeas Corpus *ad subjiciendum*, to bring up the body of any person in custody within Canada, in pursuance of any treaty with any foreign State or Government for the extradition of criminals, or in pursuance of any Act of the United Kingdom, or of the Parliament of Canada, to carry out the provisions of any such treaty, and on the return of such writ to make such order as to the remand or discharge of the prisoner, as may seem meet.

52. At the term of the Court there shall be had in cases within its original jurisdiction;

1. Such proceedings in suits at common law as may be had before Courts of common law sitting in banc;
2. The re-hearing of causes, petitions, and motions in equity causes which may have already been heard before a single Judge.

53. In any proceedings within the original jurisdiction of the Supreme Court, one of the Judges of the said Court may sit either at the City of Ottawa, or at any other place or places appointed by the Court, and at such time or times as may be prescribed by the Court, to try issues in fact, and hear causes in equity, in actions or suits originally brought or instituted in the Supreme Court.

54. A single Judge of the Supreme Court