

from the judgment of any Superior Court of any Province except Quebec, by leave of the Supreme Court or a judge thereof.

It must be remembered that the court of last resort is not such court for the particular class of cases to which the one proposed to be appealed may belong, but it is the highest court generally for the Province.

3. Such judgment must be a final judgment, ss. 36 and 44. The only exceptions in the Act to this requirement are—judgments upon a motion for a new trial, s. 38 (b); decrees or orders in equity suits, s. 38 (c); and appeals from interlocutory judgments of the Exchequer Court on demurrer or points of law.

It should be borne in mind also that s. 45 of the Act prohibits an appeal from any order made in the exercise of judicial discretion, except in equity proceedings, and also that although the court has jurisdiction, it will not as a rule entertain an appeal depending on questions of fact or matters of procedure.

If the appeal comes from the Province of Quebec, the amount in controversy, which in these cases means the amount demanded in the action, must be over \$2,000, as provided by s. 46, or must come within the provisions of sub-sections (a) and (b) of that section; so, likewise, if it is an appeal from Ontario, the amount in controversy must be over \$1,000, or come within the exceptions provided for by s. 48. But there are two important distinctions between the Ontario and Quebec appeals. In the Act governing Ontario appeals, the amount in controversy *in the appeal* must be over \$1,000, the words in italics not being found in s. 46; the result of that is to make the sub-sections in the Ontario Act, providing that the amount demanded shall be the amount in controversy, inoperative, and in these appeals it would have to be the amount recovered. Another distinction is that if a case from Ontario is not appealable under the above mentioned Act, the Court of Appeal for Ontario or the Supreme Court of Canada may grant special leave to appeal.

Having satisfied himself that his case is appealable, or having obtained special leave to appeal, as above indicated, the solicitor must next consider whether or not notice of