

INTRODUCTION TO THIRD EDITION.

SUMMARY OF PROCEEDINGS ON APPEAL TO THE SUPREME COURT.

Parts I., II. and III. of this volume contain the statutes and rules which regulate the practice of the Supreme Court of Canada, to which are added notes of all the decisions of the court since it was organized. For the benefit of solicitors and attorneys practising in the court, the following summary of the proceedings is inserted:—

If a solicitor is instructed to bring an appeal in a case governed by the Supreme Court Act (R. S. c. 139), the first point to be determined (upon which it is often advisable to have counsel's opinion) is: Has the Supreme Court jurisdiction to entertain the appeal? Provided the case is not one in which special leave would be required under sec. 48 of the Supreme Court Act, relating to Ontario appeals, or if a Quebec case, is of the appealable amount or within the exceptions of section 46 of the Act, both of which will be dealt with hereafter, the jurisdiction depends upon three conditions, each of which has its exceptions.

1. It must have originated in a Superior Court. Section 24 (a). The exceptions to this requirement are cases brought in the County Court, s. 37 (b); appeals from Saskatchewan and Alberta, s. 37 (c); cases relating to provincial or municipal assessments, s. 41; probate cases, s. 37 (d); certain cases from Quebec, s. 37 (a), and appeals from judgments on appeal from the Gold Commissioner in the Yukon Territory, s. 37 (e).

2. The judgment to be appealed from must be that of the court of last resort in the Province, ss. 36 and 42. The exceptions are Assessment cases, s. 41, and appeals from the Court of Review in Quebec, s. 40. By s. 42, sub-section (a) an appeal direct from the court of original jurisdiction can be taken by consent of parties, and by sub-section (b)