

shall not be divisional courts of any of the said divisions; but the divisional courts shall be divisional courts of the High Court, without reference to the said divisions. (Criminal Code, 1892, s. 3, sub-sec. 1 (e(i)); *ib.* s. 742.)

JURISDICTION OF THE HIGH COURT.

11. Subject to section 68 of *The Judicature Act*, an appeal shall lie to a divisional court of the High Court, instead of as heretofore provided by any statute or rule of court, in the following cases:

- (1) From judgments or orders made in actions or matters in the High Court by a judge in chambers, and from judgments or orders made by the master in chambers, the master in ordinary, a local judge, a district judge, a stipendiary magistrate, or a local master (R.S. O. c. 91, s. 43);
- (2) From the certificates or reports of masters and official referees;
- (3) From any judgment or order of a judge of the High Court in court;
- (4) From county and district courts, as provided in *The County Courts Act*;
- (5) From surrogate courts or a surrogate judge, as provided in *The Surrogate Courts Act*, and *The Act Respecting Infants*;
- (6) From division courts, as provided in *The Division Courts Act*;
- (7) From provisional judicial district courts, as provided in *The Unorganized Territories Act* (R.S.O. c. 91, s. 53; R.S.O. 44, s. 44);
- (8) From stipendiary magistrates, as provided in section 31 of *The Unorganized Territories Act*;
- (9) From a judge of a county court upon an appeal from a conviction or order arising out of or under *The Liquor License Act*, as provided in the said Act;
- (10) From a judge of a county court, as provided in *The Act Respecting Water Privileges*;
- (11) From a judge of a county court, or stipendiary magistrate, as provided in the *Act respecting the public interests in Rivers, Streams and Creeks* (R.S.O. c. 120, s. 15);

- (12) From a judge of a county court, as provided by *The Act respecting Over-holding Tenants*. (R.S.O. c. 144, s. 6.)

12. The following proceedings and matters shall also be heard and determined before a divisional court of the High Court; but nothing herein contained shall be construed so as to take away or limit the power of a single judge to hear and determine any such proceedings or matters in any case in which he has heretofore had power to do so, or so as to require any interlocutory proceedings therein heretofore taken before a single judge to be taken before a divisional court:—

- (1) Proceedings directed by any statute to be taken before the court in which the decision of the court is final.
- (2) Cases of *habeas corpus* in which the judge directs that a motion for the writ, or the writ, be made returnable before a divisional court.
- (3) Application for new trials in the High Court where the action has been tried with a jury.
- (4) Other cases where all parties agree to the same being heard before a divisional court.

Jud. Act s. 68, 69; *re* Wilson, 30 C. L.J., 399 A.

NO APPEALS FROM HIGH COURT.

13.—(1) No appeal shall lie from any judgment or order of a divisional court, except as hereinafter provided.

(2) In case, after this Act goes into effect, a party appeals to a divisional court of the High Court in a case in which an appeal lies to the Court of Appeal, the party so appealing to the High Court shall not be entitled to afterwards appeal from the said divisional court to the Court of Appeal, but any other party to the action or matter may appeal to the Court of Appeal from the judgment or order of the divisional court.

(3) In other cases, an appeal to the Court of Appeal shall not lie from the judgment or order of a Divisional Court pronounced on an appeal to such Divisional Court except by special leave first obtained upon an application to such