

be upon a case stated by the parties or settled by the court, they not agreeing,—setting forth the judgment and so much of the pleadings, evidence, &c., as are necessary. Except in Election or *Habeas Corpus* cases. \$500 security must be given; when given execution is stayed, except:—1. When assignment or delivery of documents or personal property is ordered, which must be delivered to officer or a receiver appointed by court, and security put in for obedience to decision, before stay. 2. Where execution of a conveyance or instrument is ordered, which must be obeyed and document deposited with the officer of court to abide decision. 3. But if this has already been done in the court appealed from—it being also an appeal court—the documents, &c., may remain in that court by consent. 4. In case of the order for sale or delivery of property, security against waste must be given and loss in price, and for use and occupation. 5. If payment of money is directed, security for its payment must be given. This security may be given in the same instrument as for costs. The security being perfected, a stay is granted by a judge of the court appealed from or previous order for stay of execution is continued. On execution issued and so stayed, there is no poundage unless specially allowed—but interest runs during the delay. Money levied but not paid over is to be refunded by the sheriff. Perishable property may be sold and money paid into court. The Supreme Court may quash proceedings had against good faith or where there is lack of jurisdiction. With respect to judgment and costs, it has the power of other courts of appeal. The appellant may discontinue, becoming liable for all costs, or respondent may consent to reversal of judgment. If appellant unduly delays proceedings or fails to go to hearing at first term after appeal is ripe, respondent may move for dismissal. In case of death of any party, proceedings are heard as in other courts. The court of original jurisdiction must carry out judgment of Supreme Court. Saving Her Majesty's prerogative, appeal from the Supreme to Imperial Courts is taken away. In Contested Election cases the appeal lies directly from the judge trying to the Supreme Court—the appellant depositing \$100 as security, and \$10 for making up record with proper officer of court to which judge belongs. Appellant must give the other party notice (in three days after appeal is set down) of the hearing and may limit the subject of appeal to definite questions. If evidence has been improperly excluded, it is to be heard before the court, as judge or comr. The Registrar certifies the judgment to the Speaker. In criminal matters an appeal lies from a conviction affirmed in appeal in any Province, and from a decision refusing *habeas corpus* to a person held for extradition. But if the court of last resort in the Province is unanimous the appeal will not lie, and fifteen days' notice to the Atty. Genl. of the Province must be given. In all cases of *habeas corpus* the judges of the Supreme Court have common jurisdiction with Provincial judges. The Governor in Council may refer any matter to the court for its opinion, and dissenting judges may send in their opinions in such cases. They may also report on any private bill referred to them by the Senate or House of Commons.

Where any Provincial Legislature shall have given jurisdiction, the Supreme Court may deal with cases arising before or between the Dominion and such Province, between any of such Provinces, in cases in which the validity of an Act of the Parliament of Canada or of any such Legislature is raised, if the judge at trial holds the question material. These appeals will lie in civil cases for any amount, but on no other point than those above stated, unless the amount in dispute exceeds \$500.

The EXCHEQUER COURT has concurrent original jurisdiction in Canada in all cases where Dominion laws relating to the revenue are to be enforced, including information for penalties, *in rem* or *qui tam*, or in which the Crown is the interest of the Dominion is plaintiff or petitioner, and exclusive original jurisdiction in what would be exchequer cases in England on the revenue side against the Crown or any of its officers. The judges may sit singly at any time or place for transaction of exchequer business. Issues of fact are to be tried according to the laws of the Province where the cause originates, including the laws of evidence; but in all cases except where the Crown is plaintiff or petitioner, they shall be decided by a judge without a jury. In jury cases a panel of 24 to 36 jurors may be summoned. Processes of the court as well as of the Supreme Court, are to be tested in the name of the Chief Justice or senior puisne judge, and directed to the sheriff of the county or district where the cause is to be tried, a coroner acting when the sheriff is disqualified, their fees to be fixed by the court. There is an appeal to the Supreme Court, if asked within thirty days after decision, and \$50 deposited as security for costs, and giving within three days thereafter, notice to the opposite party. Thereupon the Registrar sets down the appeal for the first day of next term. A barrister of five years' standing is to be appointed registrar, having his office in Ottawa, and a salary of \$2,000, the Governor having power to appoint such other clerks and servants as may be found necessary, among whom shall be a press writer to act as reporter of the decisions of the court, and secretary to the Chief Justice and judges, the reports to be published by the Registrar under direction of the court. All fees to the Registrar to be paid by stamps, to be issued by the Minister of Inland Revenue. Comrs. of the Superior Court of any Province for administering oaths are made Comrs. of the Supreme and Exchequer Courts. Barristers, advocates, attorneys, solicitors and proctors having the right to practice in the Superior Courts of any Province may do so in the Supreme and Exchequer Courts, and are officers of such courts. The judges are to make rules of practice and fix fees and costs; copies are to be laid before Parliament at its next session after they are framed. The judicial functions of these courts are to be exercised after proclamation under O. in C.

PETITIONS OF RIGHT.

Chap. 12. Petitions of right addressed to Her Majesty, asking relief in cases where a suit may be instituted by one subject against another are to be sent in to the Secretary of State to be submitted to the Governor General, who may grant his fiat that