

9, entitled "An Act respecting a Court of Appeal for Saskatchewan" there was established and now exists a Court of Appeal for Saskatchewan called the "Court of Appeal," consisting of a Chief Justice, styled Chief Justice of Saskatchewan, and three other Judges, called Judges of Appeal, which Act provided that after the coming into force thereof the said Court of Appeal should be vested with and should exercise all the rights, powers, and duties heretofore held and exercised and enjoyed, under and by virtue of "The Judicature Act" or any other statute in force in the said Province, by the Supreme Court of Saskatchewan sitting *en banc*, and as a Court of Appeal from the judgment, decision, order or decree of a single Judge, or a verdict of a jury, or judgment or decision of a Surrogate Court Judge or of a District Court Judge sitting in Court, and that all applications for new trials and all appeals of the nature of those which had theretofore been heard and disposed of by or before the Supreme Court of Saskatchewan sitting *en banc*, should be brought, heard and disposed of by the Court of Appeal created by the said Act:

And whereas by an Act of the said Province of Saskatchewan passed in the sixth year of the reign of His Majesty, and being Chapter 10, entitled "An Act respecting the Court of King's Bench," there was established and now exists a Court of King's Bench for Saskatchewan called "His Majesty's Court of King's Bench for Saskatchewan" consisting of a Chief Justice styled "The Chief Justice of the King's Bench" and five other Judges, which Act provided that after the coming into force thereof the Supreme Court of Saskatchewan should be thereby abolished:

And whereas the Order in Council dated the 13th day of October, 1910, makes provision for the prosecution and regulation of Appeals from the Province of Saskatchewan to His Majesty in Council from the said Supreme Court only, and is inapplicable to the Court of Appeal for Saskatchewan, and no provision has yet been made for the prosecution and regulation of Appeals to His Majesty in Council from the said Court of Appeal:

And whereas it is expedient with a view to equalizing as far as may be the conditions under which His Majesty's subjects in the British Dominions beyond the seas shall have a right of appeal to His Majesty in Council, and to promoting uniformity in the practice and procedure in all such Appeals, that provision should be made for Appeals from the said Court of Appeal to His Majesty in Council:

It is hereby ordered by the King's Most Excellent Majesty, by and with the advice of His Privy Council, that the said Order in Council dated the 13th day of October, 1910, be, and the same is hereby, revoked, and that the Rules hereunder set out shall regulate all Appeals to His Majesty in Council from the Court of Appeal of the Province of Saskatchewan.

RULES RESPECTING THE PRACTICE AND PROCEDURE IN APPEALS TO HIS MAJESTY IN COUNCIL.

1. In these Rules, unless the context otherwise requires:—

"Appeal" means Appeal to His Majesty in Council;

"His Majesty" includes His Majesty's heirs and successors;

"Judgment" includes decree, order, sentence, or decision;

"Court" means either the Full Court or a single Judge of the Court of Appeal for Saskatchewan according as the matter in question is one which, under the Rules and Practice of the said Court, properly appertains to the Full Court or to a single Judge.

"Record" means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal;

"Registrar" means the Registrar or other proper officer having the custody of the Records in the Court appealed from;

"Month" means Calendar month;

Words in the singular include the plural, and words in the plural include the singular.

2. Subject to the provisions of these Rules, an Appeal shall lie—

(a) as of right, from any final judgment of the Court where the matter in dispute on the Appeal amounts to or is of the value of Four thousand dollars (\$4,000) or upwards, or where the Appeal involves, directly or indirectly, some claim or question to or respecting property or some civil right amounting to or of the value of Four thousand dollars (\$4,000) or upwards; and

(b) at the discretion of the Court, from any other judgment of the Court, whether final or interlocutory, if, in the opinion of the Court, the question involved in the Appeal is one which, by reason of its great general or public importance or otherwise, ought to be submitted to His Majesty in Council for decision.

3. Where in any action or other proceeding no final judgment can be duly given in consequence of a difference of opinion between the judges, the final judgment may be entered *pro forma* on the application of any party to such action or other proceeding according to the opinion of the Chief Justice or, in his absence, of the senior puisne Judge of the Court, but such judgment shall only be deemed final for purposes of an Appeal therefrom, and not for any other purpose.

4. Applications to the Court for leave to appeal shall be made by motion or petition within fourteen (14) days from the date of the judgment to be appealed from and the applicant shall give the opposite party notice of his intended application.

5. Leave to appeal under Rule 2 shall only be granted by the Court in the first instance—

(a) upon condition of the Appellant, within a period to be fixed by the Court but not exceeding three months from the date of the hearing of the application for leave to appeal entering into good and sufficient security, to the satisfaction of the Court, in a sum not exceeding Two thousand five hundred dollars (\$2,500) for the due prosecution of the Appeal, and the payment of all such costs as may become payable to the Respondent in the event of the Appellant's not obtaining an Order granting him final leave to appeal, or of the Appeal being dismissed for non-prosecution, or of His Majesty in Council ordering the Appellant to pay the Respondent's costs of the Appeal (as the case may be) and

(b) upon such other conditions (if any) as to the time or times within which the Appel-