

The appeal lies from judgments of the Court of Review in Quebec in the cases provided for by 54 & 55 Vict. c. 25, sec. 3, (sec. 40 of the present Act) But not where the Court of Review reverses the judgment of the Superior Court and an appeal could be taken to the King's Bench. *Barrington v. City of Montreal*, 25 S. C. R. 202.

The appeal does not lie from an interlocutory judgment. *Langevin v. Les Commissaires d'Ecole de St. Marc*, 18 S. C. R. 599.

Where the Supreme Court of Nova Scotia made absolute a rule *nisi* for an alternative, not peremptory, order leaving the merits to be determined on the return the Court held, on appeal therefrom, that the issue of the writ was in the discretion of the court below, which discretion could not be questioned. *Town of Dartmouth v. The Queen*, 9 S. C. R. 509.

The Supreme Court of Nova Scotia quashed the return to said writ on demurrer and ordered a peremptory writ to issue and an appeal from such judgment was heard and decided on the merits, an objection that demurrer would not lie in Nova Scotia to a return of the writ being overruled. *Dartmouth v. The Queen*, S. C. Dig. 118.

MUNICIPAL BY-LAWS.

(c) In any case in which a by-law of a municipal corporation has been quashed by a rule or order of court, or the rule or order to quash has been refused after argument.

The limitations of the right of appeal in Quebec cases do not apply to appeals under this clause. Sec. 47. But the appeal does not lie in Ontario cases unless it comes within some of the provisions of sec. 48; *Aurora v. Markham*, 32 S. C. R. 457; or in a case from the Yukon Territory within some clause of sec. 49.

The appeal is given by this clause from the judgment on a rule or order to quash a by-law. It does not authorize an appeal in proceedings to quash a *procès-verbal*. *Toussignant v. County of Nicolet*, 32 S. C. R. 353; *Leroux v. Ste. Justine de Newton*, 37 S. C. R. 321. *Reburn v. Ste. Anne*, 15 S. C. R. 92 is overruled as to this.