

diction and entertained a number of such appeals before that date. In 1881 an appeal from a judgment of the Court of Queen's Bench, Quebec, on petition for the writ to restrain municipal officers from selling land for taxes, was heard and decided. *Coté v. Morgan*, 7 S. C. R. 1. And a number of appeals were afterwards entertained ending with *Godson v. City of Toronto*, 18 S. C. R. 36 in 1889. They are collected in Cameron's Practice at pages 125-128. In none of them was the question of jurisdiction raised.

The right of appeal is confined to cases not arising out of a criminal charge. Therefore an appeal from a judgment refusing the writ to restrain an extradition commissioner from investigating the charge on which he had issued a warrant was quashed. *Gaynor and Green v. United States*, 36 S. C. R. 247.

An appeal lies from the judgment on a writ to restrain the Montreal Bar Society from suspending an advocate. *Honan v. Bar of Montreal*, 30 S. C. R. 1. Or to restrain the Board of Notaries of Quebec from proceeding with an inquiry into charges against a member though the conduct charged against him amounts to felony. *Tremblay v. Bernier*, 21 S. C. R. 409.

Though all the above cases except *Godson v. City of Toronto* came from Quebec, the objection was taken in *Shannon v. Montreal Park & Island Ry. Co.*, 28 S. C. R. 374 that there was no appeal from judgments in prohibition cases rendered in that Province. The Court held, however, that 54 & 55 Vict. c. 25 sec. 2, providing for such appeals applied to Quebec as well as the other Provinces.

MANDAMUS.

(d) In any case or proceeding for or upon a writ of *mandamus*.

The appeal in cases of *mandamus* was given in the original Act constituting the Court. By sec. 47 it is not subject to the limitations placed on Quebec appeals by sec. 46 and it is expressly given in sec. 49 relating to appeals from the Yukon Territory. But in cases from Ontario it does not lie as of right unless it comes within some of the provisions of sec. 48 respecting the right of appeal from judgments of the Court of Appeal. See *Attorney-General v. Scully*, 33 S. C. R. 16.