

65. Rule 16 provides for publication of a notice to convene the court, under sec. 34, for the purpose of hearing such appeals.

Sections 62 to 64 provide for the issue of writs of *habeas corpus* by a judge in chambers.

CERTIORARI.

There have been very few appeals from judgment on certiorari. In *The Queen v. The Sailing Ship "Troop" Co.*, 29 S. C. R. 662, the Supreme Court of New Brunswick made absolute a rule *nisi* for a writ of certiorari to bring up the proceedings before the Police Magistrate of St. John in order to have the judgment thereon quashed. The action was brought in the Magistrate's Court by the Liverpool Board of Trade under the Merchants Shipping Act, 1854, to recover money disbursed for a sick seaman. On appeal the Supreme Court reversed the judgment of the Supreme Court of New Brunswick, and ordered the rule for certiorari to be discharged.

In this case the appeal was entertained though the writ of certiorari had not issued.

In *Jones v. City of St. John*, 30 S. C. R. 122, the appeal was from a judgment of the Supreme Court of New Brunswick, discharging a rule *nisi* for certiorari to bring up an assessment against the appellant in order to have it quashed. The judgment was reversed and the rule made absolute.

In *Bigelow v. The Queen*, 31 S. C. R. 128, a judge in Nova Scotia ordered the writ to issue against a conviction by a magistrate for violation of the Liquor License Act. On appeal the judgment of the Supreme Court of Nova Scotia vacating the order was affirmed.

See also *In re Trecothick Marsh*, 37 S. C. R. 79.

As to the issue of the writ of certiorari by the Supreme Court of Canada or a judge thereof see sec. 66.

PROHIBITION.

The appeal in prohibition cases was given by statute for the first time in 1891, but the Court evidently considered that it would lie under the general provisions conferring juris-