

ial Oil Co., 30 S. C. R. 188, Strong C.J., and Gwynne J., were of opinion that there was an appeal as of right from the judgment of a Divisional Court in Ontario from which no appeal lay to the Court of Appeal. Taschereau and Sedgewick JJ., were of the contrary opinion, which was affirmed in *Ottawa Electric Co. v. Brennan*, 31 S. C. R. 311.

For remarks on the several requirements as to jurisdiction under this section, see pp. 54-63. See also sec. 44 and notes thereto.

Sub-section (a). The prohibition as to appeals in *habeas corpus*, *certiorari* and prohibition arising out of a criminal charge must have been inserted here through excessive caution. The same prohibition is necessarily implied in the provision for an appeal in such cases not arising out of a criminal charge. Sec. 39 (e). The other provision as to *habeas corpus*, was sec. 31 of the former Act. Inasmuch as proceedings by *habeas corpus* arising out of a claim for extradition, must arise out of a criminal charge, such appeal is prohibited also by sec. 39 (e).

In the case of *In re Lazier*, 29 S. C. R. 630, an application was made to the Court to fix a day for hearing an appeal from a judgment of the Court of Appeal for Ontario, refusing to grant a writ of *habeas corpus* to discharge a prisoner under order for extradition. The Court refused the application on the ground that the matter was *coram non iudice* and the appeal could not be heard.

Sub-section (b). See post Part II. "Criminal Appeals."

37. Except as hereinafter otherwise provided, an appeal shall lie to the Supreme Court from any final judgment of the highest court of final resort now or hereafter established in any Province of Canada, whether such court is a court of appeal or of original jurisdiction, where the action, suit, cause, matter or other judicial proceeding has not originated in a superior court, in the following cases:—

(a) In the Province of Quebec if the matter in controversy involves the question of or relates to any fee of office, duty, rent, revenue, sum of money payable to His Majesty, or to any title to lands or tenements, annual rents and other matters or things where rights in future might be bound; or amounts to or exceeds the sum or value of two thousand dollars;

"Except as hereinafter otherwise provided"; there is no provision to the contrary in the Act.