

day, and so on from day to day, until a quorum shall be present."

35. The Supreme Court shall have, hold and exercise an appellate, civil and criminal jurisdiction within and throughout Canada. R. S., c. 135, s. 23.

Section 101 of the B. N. A. Act, authorizes the establishment of a general Court of Appeal for Canada. As pointed out in the notes to section 3 the only jurisdiction conferred on the Court by this Act which is not purely appellate is that provided for by section 60, empowering the Governor-General in Council to refer questions for hearing and consideration.

Under section 62 a judge in chambers may issue a writ of *habeas corpus ad subjiciendum* in a criminal case and he may refer an application for the writ to the Court for adjudication. *In re Richard*, 38 S. C. R. 394; Rule 72.

36. 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, in cases in which the court of original jurisdiction is a superior court: Provided that

(a) There shall be no appeal from a judgment in any case of proceedings for or upon a writ of *Habeas Corpus*, *Certiorari* or Prohibition arising out of a criminal charge, or in any case of proceedings for or upon a writ of *Habeas Corpus*, arising out of any claim for extradition made under any treaty; and,

(b) There shall be no appeal in a criminal case except as provided in the Criminal Code. R. S., c. 135, ss. 24 and 31;—54-55 V., c. 25, s. 2;—55-56 V., c. 29, ss. 742 and 750.

"Except as hereinafter otherwise provided." This expression is only required in a clause denying or restricting the jurisdiction. There is no exception in the Act to any provision of this section, but in appeals from Quebec, Ontario and the Yukon Territory the right of appeal is limited by secs. 46, 48 and 49.

"The highest court of final resort." That is the court of last resort generally and indicates a special tribunal in each province not the last court to which litigants may resort under provincial legislation taking away an appeal to the court of last resort. *Dangou v. Marquis*, 3 S. C. R. 251; *Macdonald v. Abbott*, 3 S. C. R. 278; *James Bay Ry. Co. v. Armstrong*, 38 S. C. R. 511. In *Farquharson v. Imper-*