deciding in the last resort—this judgment is found in this respect to fulfil the conditions rendered necessary by the Statute that there may be an appeal. In two cases the proceedings having been commenced, as in the present case, by motion, this Court has already decided that there is a right of appeal—these are the cases of *Wallace* v. *Bossom*, 2 C. S. C. R., 488, and *Wilkins* v. *Geddes*, 3 C. S. C. R., 208.

Therefore for these reasons I should be disposed to consider the judgment as susceptible of appeal, if, in addition to these, there are found two other conditions that I consider essential to give jurisdiction ; that is, first, that the judgment has not been rendered in the exercise of a discretionary power which the courts exercise for the conduct of business and the maintenance of order during their sittings ; and second, that the judgment rendered was susceptible of being put in execution.

To ascertain whether these two conditions exist in the present cause, it is necessary to recall the terms of the motion which was the foundation of the judgment : What is, according to the motion, the object of contestation—*the matter of record?* It is the demand of precedence which the respondent makes in these terms : "That it be ordered that the rank and precedence granted to the said Joseph Norman Ritchie by said letters patent of 26th December, A.D. 1872, be confirmed, and that he have rank and precedence in this Court over all Queen's Counsel appointed in and for the Province of Nova Scotia since the 26th December, A.D. 1872." That is the demand ; then follow the reasons, given in its support. It reduces itself then exclusively to the question of precedence over the Queen's Counsel appointed since the 26th December, 1872, in and for the Province of Nova Scotia, although the reasons invoked to give effect to this contention attack the validity of the two statutes by virtue of which these appointments have been made. But it is not these propositions of law which constitute the demand. Even though the judgment upon this motion may be a recognition of the right of the respondent to precedence over the appellants, it would not in the least disturb the existence of the letters patent conferring on them the distinction of Queen's Counsel. In effect we cannot probably declare them void except by means of a *scire facias*, or perhaps a *quo warranto* ; in any case, one cannot attain that end, except by a procedure specifically demanding the annulment of the letters patent. Every procedure of that kind would necessarily be long, and would necessarily be a proceeding instituted by the Crown. The better mode of putting an end, at least temporarily, to a conflict which might manifest itself before the Court, and to avoid the disagreeable consequences of it, would be, without doubt, to address oneself to the summary jurisdiction of the Court concerning the conduct of business, the maintenance of good order, and the discipline to be observed during the sittings of the tribunal. It is that which has been done, in adopting the procedure which has been followed in this case. But in the exercise of that power, the decisions of the Superior Court are without appeal : they escape all revision save that of the Judicial Committee of Her Majesty's Privy Council wherever either fine or imprisonment has been awarded. I think for that reason that the appeal ought not to be entertained.

Another reason which induces me to to think that, in the present case, there ought not to be an appeal is, that the judgment of this Court, which should reverse that of the Superior Court of Nova Scotia, would be incapable of being executed.

It is a general principle by which this Court is bound as well as all other tribunals, that a Court has not jurisdiction in any case where the judgment which it might give would not be susceptible of execution. In order that a judgment may be executable, it is necessary that the Court have powers to put the demandant in possession of that which is the object of his demand, or in default, to accord to him a pecuniary indemnity, or, that it have power to pronounce a condemnation of imprisonment against the recalcitrant party.

In order to see the difficulty, not to say the impossibility, of executing the judgment of the Court, supposing that it re-