

And the proceedings must be by rule or order to quash under the English practice. There is no appeal under the clause from the judgment in an action to annul. *Vercheres v. Varennes*, 19 S. C. R. 365; *City of Sherbrooke v. McManamy*, 18 S. C. R. 594; *Bell Telephone Co. v. City of Quebec*, 20 S. C. R. 230; *Dubois v. Ste. Rose*, 21 S. C. R. 65; *Toussignant v. County of Nicolet*, *supra*.

But the petition to quash in Quebec is equivalent to proceedings by rule or order and an appeal lies from the judgment thereon. *Webster v. City of Sherbrooke*, 24 S. C. R. 52. But not in an action by a ratepayer contesting the validity of an homologated valuation roll. *McKay v. Hinchinbrooke*, 24 S. C. R. 55.

The Court refused to entertain an appeal after the by-law attacked in the proceedings had been repealed. *Moir v. Village of Huntington*, 19 S. C. R. 363; and see *McKay v. Hinchinbrooke*, 24 S. C. R. 55. And it does not lie from the judgment of the Queen's Bench, on petition, quashing an appeal to that court for want of jurisdiction. *Ste. Cunegonde v. Gougeon*, 25 S. C. R. 78.

Though an appeal may not lie under the above clause it may by virtue of the general provisions of the Act or of the special provisions relating to appeals from Quebec, Ontario, and the Yukon Territory. See *Murray v. Town of Westmount*, 27 S. C. R. 579 and cases collected in *Cameron's Practice*, pages 140 *et seq.* in which the jurisdiction has been exercised.

COURT OF REVIEW.

40. In the Province of Quebec an appeal shall lie to the Supreme Court from any judgment of the Superior Court in Review where that Court confirms the judgment of the court of first instance, and its judgment is not appealable to the Court of King's Bench, but is appealable to His Majesty in Council. 54-55 V., c. 25, s. 2.

In the former Act this provision formed part of the section (now sec. 46) limiting the right of appeal in all cases from Quebec. These limitations apply to appeals from the Court of Review as well as to those from the King's Bench and there seems to be no good reason for separating them.

The appeal from the Court of Review was first given in 1891 by 54 & 55 V. c. 25, s. 3. Since then the ground