

Act, 1914, which Orders-in-Council are printed in the Statutes of Canada, 1917, (1).

The secretary of State of Canada moved to dismiss the appeal on several grounds:—

Firstly, that the Superior Court was exercising special statutory jurisdiction and acting as a *curia designata*;

Secondly, that no right of appeal existed under the statute or otherwise;

Thirdly, that the judgment of the Superior Court was not a final judgment, and did not order the doing of anything which could not be remedied, and did not decide the issues in whole or in part;

Fourthly, that there was concurrent jurisdiction in this Court and the Superior Court created by the Order-in-Council; and

Fifthly, that the appellant has no interest in prosecuting this appeal.

Section 28 of the Order-in-Council reads as follows:

“28. Any Superior Court of Record within Canada
“or any judge thereof may, on the application of any
“person who appears to the court or judge to be a credit-
“or of an enemy or entitled to recover damages against
“an enemy, or to be interested in any property, real or
“personal (including any rights, whether legal or equit-
“able, in or arising out of property real or personal), be-
“longing to or held or managed for or on behalf of an
“enemy, or on the application of the custodian of any
“department of the Government of Canada, by order vest
“in the custodian any such real or personal property as
“aforesaid, if the court or the judge is satisfied that such
“vesting is expedient for the purposes of these orders

(1) 7-8 George V, Vol. 1, p. 53 and following.