

case within the exception as to "future rights" mentioned in the section of the Act above referred to. *O'Dell v. Gregory*, 24 S.C.R. 661, followed. Appeal quashed with costs.

A. R. Hall and Smith, for the motion. *St. Pierre*, Q.C., contra.

Ontario.] BALDERSON v. THE QUEEN. [March 8.
Statute, construction of—Civil Service—Superannuation—R.S.C. c. 18—Abolition of office—Discretionary power—Jurisdiction.

Employees in the Civil Service of Canada who may be retired or removed from office under the provisions of the eleventh section of "The Civil Service Superannuation Act, R.S.C. c. 18, have no absolute right to any superannuation allowance under that section, such allowance being by the terms of the Act entirely in the discretion of the executive authority. Appeal dismissed with costs.

Hogg, Q.C., for the appellant. *Newcombe*, Q.C., for the respondent.

Ontario.] DRESCHER v. AUEP INCANDESCENT LIGHT CO. [March 14.
Appeal—Jurisdiction—Amount in controversy—Affidavits—Exchequer Court Acts, 50 & 51 Vict., c. 16, ss. 51-53 (D.)—54 & 55 Vict., c. 26, s. 8—Patent Act, R.S.C. c. 61, s. 36.

On a motion to quash an appeal where the respondents filed affidavits that the amount in controversy was less than the amount fixed by the statute as necessary to give jurisdiction to the appellate court, and affidavits were also filed by the appellants, showing that the amount in controversy was sufficient to give jurisdiction under the statute, the motion to quash was dismissed, but the appellants were ordered to pay the costs, as the jurisdiction of the Court to hear the appeal did not appear until the filing of the appellants' affidavits in answer to the motion. Motion refused with costs.

Duclos for motion. *Sinclair*, contra.

Province of Ontario.

HIGH COURT OF JUSTICE.

Street, J.] [March 29.

CORPORATION OF CORNWALL v. CORNWALL WATERWORKS COMPANY.
Waterworks—Town taking over same—Arbitration to determine value—Necessary parties—Mortgagees.

The omission to serve notice on the mortgagees of a waterworks company, of arbitration proceedings under R.S.O., 1887, c. 164, to determine the amount to be paid by a town for such works and property, and their not being parties, and in which the award made was less than the amount of their claim, does not entitle the company to have such award referred back, and the mort-