

EXCHEQUER COURT.

BURBIDGE, J.]

[April 26.

BRADLEY v. THE QUEEN.

Civil Servant—Extra work—Hansard reporter—Royal Commission—The Civil Service Act, R.S.C. c. 17, s. 51—Application.

Notwithstanding the provisions of sec. 51 of the Civil Service Act, which enact that no extra salary or additional remuneration whatsoever shall be paid to any deputy head, officer, or employee in the Civil Service of Canada, or to any other person permanently employed in the public service, a reporter on the Debates' staff of the House of Commons is entitled to be paid for services rendered by him in reporting the evidence taken under a Royal Commission.

Hogg, Q.C., for claimant.

Newcombe, Q.C., (D.M.J.) for defendant.

Affirmed on appeal to Supreme Court, 19th October, 1897.

BURBIDGE, J.]

[Oct. 27.

BALDERSON v. THE QUEEN.

Civil servant—Superannuation of—Superannuation Act, s. 11—Discretion of Governor-in-Council—Jurisdiction of Court to review.

Under the provisions of The Civil Service Superannuation Act (R.S.C. c. 18) where the Governor-in-Council exercises the discretion or authority conferred upon him by such Act to regulate the allowance to be paid to a retired civil servant, his decision as to the amount of such allowance is final, and the Exchequer Court has no jurisdiction to review the same.

W. D. Hogg, Q.C., and J. M. Balderson, for the suppliant.

Solicitor-General and Newcombe, Q.C., (D.M.J.) for the Crown.

BURBIDGE, J.]

[May 25.

MATTON v. THE QUEEN.

Revenue law—Customs draw-back—Petition of right—Liability of Crown.

By The Customs Act 1877, (40 Vict., c. 10), s. 125, cl. 11, it is provided that the Governor-in-Council may make regulations for granting a draw-back of the whole or part of the duty paid on materials used in Canadian manufactures. In 1881, by an amendment made by 44 Vict., c. 11, s. 11, the Governor-in-Council was further empowered to make regulations "for granting a certain specific sum in lieu of any such draw-back." See also the Customs Act, 1883, s. 230, cl. 12, and R.S.C. c. 32, s. 245 (m.) On May 15th, 1880, an Order-in-Council was passed which provided that a draw-back might be "granted and paid by the Minister of Customs on materials used in the construction of ships or vessels built and registered in Canada, and built and exported from Canada under Governor's pass for sale and registry in any other country since January 1st, 1880, at the rate of 70 cents per registered ton on iron kneed ships or vessels classed for nine years; at the rate of 65 cents per registered ton on iron kneed ships or vessels classed for seven years, and at the rate of 55 cents