

meaning of the statute, and, upon their relocation, the water record in connection therewith continued to subsist as a right appurtenant to the joint pre-emption. Judgment appealed from (13 B.C. Rep. 77) reversed, the Chief Justice and Duff, J., dissenting. Appeal allowed with costs.

J. A. Macdonald, K.C., for appellant. *S. S. Taylor*, K.C., and *H. C. Hamilton*, for respondent.

Que.] HULL ELECTRIC CO. v. CLEMENT. [Mar. 29.

Appeal—Court of Review—Reduction of damages—Superior Court judgment—Confirmation—R.S.C. 1906, c. 139, s. 40.

Where the Court of Review in Quebec affirms the judgment of the Superior Court as to the liability of the defendant in an action for damages, but reduces the amount awarded the plaintiff, such judgment is confirmed and no appeal lies therefrom to the Court of King's Bench, but there is an appeal to the Supreme Court of Canada.

Simpson v. Palliser, 29 Can. S.C.R. 6, distinguished, *Idington, J.*, dissenting.

Application to approve security refused with costs.

Aylen, K.C., for appellant. *Devlin*, K.C., for respondent.

Province of Ontario.

COURT OF APPEAL.

Full Court.] IRVING v. GRIMSBY PARK CO. [Feb. 11.

Supreme Court of Canada—Leave to appeal to—Jurisdiction of Court of Appeal—Extension of time—Appeal quashed in Supreme Court—Argument on merits.

The Court of Appeal has jurisdiction, under s. 48(e) of the Supreme Court Act, R.S.C. 1906, c. 139, to grant special leave to appeal from a judgment of the Court of Appeal to the Supreme Court of Canada, and at the same time, under s. 71, to extend the time for appealing, even after the sixty days allowed by s. 69 have expired.

The court (*MEREDITH*, J.A., dissenting) refused leave to appeal from the judgment in 16 O.L.R. 386, after the time for appealing