

be in point if we came to the conclusion that there was an entire absence of jurisdiction of the Superior Court in the matter, but we cannot say that there was such absence of jurisdiction. On the contrary, the Order-in-Council specially gives jurisdiction to the Superior Court and to this Court to make the vesting order.

It is unnecessary to discuss and decide the many other interesting questions raised on this motion but speaking for myself personally, I would say that in the vesting order there appears to be a sufficient reserve of all appellant's rights.

The motion to dismiss the appeal for want of jurisdiction is granted and the appeal must be dismissed.

*Judgment*:—"On the motion made by the respondent praying that the appeal be quashed for want of jurisdiction:

"Considering that the judgment appealed from has been rendered under the provisions of an order in council passed by the Governor-General of Canada appointing the Minister of Finances as custodian of enemies' property:

"Considering that by section 28 of said order in council, the vesting order concerning enemies' property may be given by any Superior Court of Record within Canada or any judge thereof:

"Considering that according to the provisions of the interpretation Act, the words "Superior Court of Record" mean, in the province of Quebec, the Superior Court and the Court of King's Bench:

"Considering that the two above Courts have concurrent jurisdiction and that, consequently, no appeal lies to the Court of King's Bench from a judgment rendered by the Superior Court in this matter: