Full Court.]   [Dec. 10, 1908.

DELTA MUNICIPALITY v. V. V. & E. RY. & N. Co.

Railways—Board of Railway Commissioners.

In an action by a municipality for an injunction against a railway compaɔy to restrain the latter from closing up or interfering with a certain road, it developed that the Board of Railway Commissioners had made an order authorizing the railway company to divert a portion of the said road and construct their line between such diversion. The trial judge decided that the municipality could maintain such an action only by the Attorney-General as plaintiff.

Held, on appeal, that the Board of Railway Commissioners having dealt with the matter, the plaintiffs should apply to that court for relief in the premises.

Griffin, for appellants (plaintiffs).   *A. H. MacNeill,* K.C., for defendant company.

Bench and Bar.

JUDICIAL APPOINTMENTS.

Charles Julius Mickle, of the village of Chesley, Ontario, barrister-at-law, to be junior judge of the County Court of the county of Essex, in the said Province, in the room and stead of His Honour Edwin Perry Clement, resigned.

Charles Edward Hewson, of the town of Barrie, Ontario, Esquire, to be judge of the District Court of the Provincial Judicial District of Manitoulin, in the said Province, in the room and stead of His Honour Archibald B. McCallum, deceased.

Edward Augustus Wismer, of the town of Essex, Ontario, Esquire, barrister-at-law, to be junior judge of the County Court of the county of Simcoe, in the said Province, in the room and stead of His Honour William Fuller Alves Boys, retired.

Hon. Henry George Carroll, judge of the Superior Court of the Province of Quebec, to be a puisne judge of the Court of King's Bench in that province, in the room and stead of Hon. Jean Blanchet, deceased. (Dec. 24.)

François Simeon Tourigny, of the city of Three Rivers, Quebec, to be puisne judge of the Superior Court of the Province of Quebec, in the room and stead of Mr. Justice Carroll, transferred to the Court of the King's Bench. (Dec. 30.)