

Then it is urged that, assuming the appointment of the respondents to be valid, they are not proceeding in some respects in accordance with the statute, but are acting to some extent in contravention of it. The answer to that—if it be so—is the answer which was given to the applicant in the North Perth Case—the subject is one committed to them exclusively by Federal legislation, and one affecting matters particularly within the exclusive powers of Parliament; they are answerable to Parliament, not to this Court, on such an application as this.

A point of some importance—not argued—is whether Parliament has, in sec. 9, delegated to the Governor in council the constitution of a Federal Court, and if so, whether there was power to do so. The answer is, there is no such delegation, that the enactment itself constitutes the Court and prescribes its procedure, and that to the Governor in council is committed nothing substantially but the appointment of the officers; the putting in motion of the provincial machinery operated by Federal officers.

The application therefore fails and must be dismissed.

OCTOBER 4TH, 1904.

DIVISIONAL COURT.

RE WILLIAMS v. BRIDGMAN.

*County Court—Jurisdiction—Attachment of Debts—Assignment of Moneys Due to Judgment Debtor by Garnishee—Assignee as Claimant—Issue—Amount Involved—Claim for Equitable Relief—Prohibition—Transfer to High Court.*

Appeal by claimant from order of TEETZEL, J., ante 53, dismissing appellant's motion for prohibition against further proceedings in a garnishee matter pending in the County Court of Elgin, or in the alternative to transfer the issue directed to be tried to the High Court.

W. M. Boulton, for appellant.

W. J. Tremear, for judgment creditor.

THE COURT (FALCONBRIDGE, C.J., STREET, J., BRITTON, J.), dismissed the appeal with costs.