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Correspondence.

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INJUNCTIONS.

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To the Editor of THE CANADA LAW JOURNAL:

SIR,—The extension of the facilities for obtaining an injunction in cases of emergency afforded by the Act 52 Vict., c. 11, which empowers a local judge of the High Court to grant an interlocutory order under subsection 8 of section 53 of the Judicature Act in an action in the High Court brought in his county suggests a question as to the power of the local judge to grant an injunction in the County Court over which he presides, and is sole judge under the provisions of the County Courts Act.

The 77th section of the Judicature Act of 1881 conferred certain powers and equity jurisdiction upon the County and Division Courts which they had not possessed before; and reading the 77th section with decisions of the Queen's Bench Division of the High Court in England, it would be hard to find a tenable argument against the power of the county judge to grant injunctions both in the County Court and the Division Court in certain cases; and, if not, it would be still harder to say that they have not an equity as well as a common law jurisdiction.

We find that 77th section now embodied in two different chapters of the Revised Statutes of 1887, *i.e.*, the 21st section of the County Courts Act (p. 507, R.S.O., c. 47), and the 73rd section of the Division Courts Act (R.S.O., c. 51). The provision is the same in substance as that of the English Judicature Act under which the judges of the Queen's Bench Division and the Lord Justices in Appeal, in cases argued before them, all held that the power exists not only of granting an injunction by the County Court, but also of attaching for contempt in case of disobedience to its order. *Ex parte Martin*, 4 Q.B.D. 212, and *Martin v. Banister*, in appeal, 4 Q.B.D. 491, are in point. The first of these cases was an action for a nuisance, and after judgment for the plaintiff therein it was held to be an incident of the jurisdiction of the County Court under the sections, and essential that the court should have power to grant the order, and to issue an attachment for contempt in case of disobedience.

We have only to point to the full and exact wording of the sec-