

shall forthwith notify the President of the High Court at Toronto, who shall designate a Judge of a County or District Court, of a county or district other than that in which such offence was committed, to conduct the trial of the persons accused, and the procedure thereon shall be the same as nearly as may be as in the trial of illegal acts under sec. 188 of the Ontario Election Act and amendments thereto.

It is upon this last sub-section that the objection now under consideration chiefly turns. It is argued that the Legislature has therein assumed the power of the appointment of Judges. But there is no appointment of any person to the judicial office. There is not even the creation of a judicial office to which any person not holding the position of Judge of a County or District Court could be appointed.

Section 188 of the Ontario Election Act, which is incorporated in the Liquor Act, 1902, and made to apply mutatis mutandis to proceedings under it, provides a mode of trial of persons accused of offences thereunder, by the Judges or a Judge upon the rota or by a Judge of the High Court holding a sittings of the Court for the trial of civil or criminal causes. Instead of putting the trials of offenders under the Liquor Act, 1902, upon these Judges, sec. 91 imposes the duty upon persons holding the office of Judge of County or District Courts.

The Judge to be designated may not try cases arising in his own county or district. But there is nothing in the Act saying that he shall not conduct in his own county or district the trial of the cases for which he is designated.

Sub-section 2 of sec. 188 provides that the summons may be issued or returnable at any place in this Province, and so far as appears there is no reason why a summons against a person who committed an offence under the Liquor Act, 1902, in one county or district, might not be made returnable in another county or district. In the same way the Judge by whom the summons is issued may exercise jurisdiction at the place where the summons is returnable. The Legislature having the power to make laws regarding the administration of justice in the Province, including the constitution, maintenance, and organization of Provincial Courts both of civil and criminal jurisdiction, has deemed it proper to create a special tribunal for the trial of offences under the Liquor Act. The Judges exercise jurisdiction under this statutory commission, acting just as the election Judges act, outside of and distinct from the jurisdiction they exercise in their respective Courts. And the Legislature did not exceed its powers when, by sec. 91, it provided for the substitution of County or District Judges to conduct the trials of offenders under the Act,