Correspondence.

INJUNCTIONS.

To the Editor of THE CANADA LAW JOURNAL:

DEAR SIR,—The last paragraph of the letter of "D.J.H.," published *ante* page 297, is not, I think, supported by the cases cited by him. The County Courts and Division Courts have no jurisdiction except in personal actions. If the cause of action is one which was enforceable only in the Court of Chancery prior to the fusion of law and equity, those courts have no jurisdiction over the same. See *Whidden* v. *Jackson* 18 A.R. 439; *Foster* v. *Reeves* (1892), 2 Q.B. 255.

The right which the courts have, according to the cases cited by your correspondent, to grant injunctions, etc., is merely exercisible where such remedy is applicable to a common law cause of action. The courts must first have jurisdiction over the subject-matter of the action; *e.g.*, an action for damages for nuisance or trespass. If the plaintiff succeeds, then if, as part of the remedy, the High Court would, in a similar case, grant an injunction restraining a repetition or continuance of the wrongful act for which damages are awarded, the County Courts and Division Courts have power to give the same remedy.

In *Martin* v. *Bannister*, 4 Q.B.D., page 213, Kelly, C.B., put the point concisely, as follows: "In the present case there was a cause of action for a nuisance and judgment for the plaintiff thereon, and as incidental to that it is essential that the court should have power to grant an injunction."

Yours truly,

JAMES BICKNELL.

Hamilton, May 12, 1893.