

ing to the administration of justice, was within the power of the legislature of Ontario. We may compare with this *Regina v. Bennett*,* where it was held by the Ontario Queen's Bench Division that the right of provincial legislatures to legislate in relation to the administration of justice includes a right to make provision for the appointment of police magistrates and justices of the peace by the Lieutenant-Governor, though, per Cameron, J., it did not follow that it included the right to create Queen's Counsel, the status of whom "is one of mere honour and dignity, and not necessarily connected with the administration of justice."†

On the same principle, in *In re Wilson v. McGuire*,‡ the majority of the Ontario Court of Queen's Bench held that provincial legislatures have complete jurisdiction over Division Courts, and may appoint the officers to preside over them, Hagarty, C.J., observing: "As they (*i.e.*, the local legislatures) have power to abolish such courts, and to establish others for the disposal of the like or other classes of business, I assume their right to appoint officers to preside over them." Armour, J., however, took a different view from his brother judges in this case, for, after observing that even without s. 96 of the British North America Act the power to appoint County Court judges would have resided with the Governor-General, as representing Her Majesty in the Dominion,§ and that the power of the local legislatures to appoint judges of the Division Court did not, in his opinion, properly arise in this case, he adds: || "When that question shall arise I will, I trust, be able to show by satisfactory reasons that the local legislature has no such power. The reasoning of the Supreme Court in *Lenoir v. Ritchie*, 3 S.C.R. 575, 1 Cart. 488, in which case that court determined against the power of the local legislatures to appoint Queen's Counsel, is altogether against their having the power to appoint any judges." Thus he, evidently, did not consider that No.

*1 O.R. 445, 2 Cart. 634 (1882).

†1 O.R., at p. 460, 2 Cart., at p. 640. As to this matter of Queen's Counsel, see also per Taschereau, J., in *Lenoir v. Ritchie*, (1879) 3 S.C.R., at pp. 627-9, 1 Cart., at pp. 534-5, and *passim* in that case; also Hodgins' Reports of Ministers of Justice, etc., vol. 1, pp. 26-7; *ibid.*, vol. 2, pp. 25, 26-7.

‡2 O.R. 118, 2 Cart. 665 (1883).

§ As to which, however, see *The Maritime Bank of Canada v. The Receiver-General of New Brunswick*, [1892] A.C. 437.

|| 2 O.R., at pp. 128-9, 2 Cart., at p. 677.