

C 37461

Some what the same question arose in Wilson vs McQuire and Gibson vs Macdonald.

Wilson vs McQuire - the validity of Act. providing that two or more counties might be grouped together for the purpose of facilitating the conduct of business in the Division Courts of the grouped Counties and that the judges of those counties might arrange for taking the work in rotation throughout the entire group. - prior to this act, as now, County Court judges are apptd by Prov. Govt. - Division Cts. existed in various counties and had always been presided over by the judge of the Court of the particular County.

But in Gibson vs Macdonald it was held that a somewhat similar arrangement as to the General Sessions of the Peace, ^{in the diff. counties of Ont.} was invalid. The decision goes to the length that a County Crt. judge can act as such only in the County for which he is appointed by the Govt. Genl in Council under sec 96, B.C.A. Act - "bad law - nullus".

In the cases taken together support the proposition that a Prov. Govt can impose upon the indiv who is C.C. judge, duties other than those covered by his Commⁿ from the Govt. Genl. Such duties being ^{of a judicial nature} ~~being~~ ^{being} exercised not quite C.C. judge but quite Prov. Officer.

Garvey vs. Bayley - Governor may be appointed by King Govt to form a court for trial of certain civil actions C 37462

If counties be united after judges have been apptd would a new court be required to allow judges to administer laws in new city. This is a disputed question -

If I.B. rule that new court is necessary where boundaries are altered it would seem to necessitate the issue of a new Commⁿ when the jurisdiction is enlarged. This would be dangerous.

Wilson vs McQuire - judgment summons issued on a judgment against Macquinn, he failed to attend i.e. re

Cty of Middlesex & Lambeth were united for purposes of Prov. Crt. jurisdiction. It was argued that judge of Lambeth was not judge of C.C. in Middlesex. Maggarty C.J. held that Legis of Ont. had complete control over Division Crt. & this being a matter re Division Crt. the last question did not come up. Last divides