

Assembly of Ontario were declared to be forfeited to Her Majesty for the public use of the Province of Ontario, and to have been so forfeited from the time such sums of money were by the members mentioned delivered to the Speaker of the Assembly, and the Act was declared to be a bar and discharge of any action which had been taken or might thereafter be brought against the Speaker by any person in respect of the said moneys or any part thereof.

It appears from a letter under date of the 14th April, 1885, from Messrs. Walker & Scott, of Hamilton, that prior to the passing of the said Act they had for their clients, Messrs. Stuart and Macpherson, attached this money in the hands of the Speaker of the Assembly under the garnishee clauses of the Common Law Procedure Act. On the ground that the Act is a direct interference with the rights of their clients, Messrs. Walker & Scott ask that it be disallowed. A copy of their communication being transmitted to the Lieutenant Governor of the Province of Ontario, he, in a despatch under date 1st June, 1885, states that in the view of his Government the Act referred to is a just measure passed in the exercise of the undoubted legislative jurisdiction possessed by the Province and with full knowledge and after full consideration by the Legislature of all the facts.

Without expressing any opinion as to whether the Act is a just measure or not, the undersigned is of opinion that it is within the undoubted legislative authority of the Legislature of that Province, and therefore respectfully recommends that it be left to its operation.

By Chapter 9, "An Act to regulate the fisheries of this Province," provision is made for the administration of fishing rights vested in the Crown in the right of the Province of Ontario.

By the 2nd section it is provided that the Act and its respective provisions apply to fisheries and rights of fishing in respect of which the Legislature of Ontario has the right to legislate. Some amendments were, at the request of the Minister of Justice, made in the Act during its passage through the Legislative Assembly, and while it is possible that the administration of the Act may possibly lead to some conflict with the administration of the Fisheries Act of the Dominion, the undersigned is of opinion that the power of disallowance should not be exercised in respect of it, and therefore recommends that it be left to its operation.

By the 13th section of Chapter 13, intituled: "An Act for further improving the administration of the Law," it is provided that the Clerk of the Crown of the Court of Queen's Bench sitting at Chambers, and the Master in Chambers, or any referee sitting for him, shall be held to have heretofore had, and in all matters of practice to have now, authority to do all such things, transact all such business and exercise all such authority and jurisdiction in respect of the same as by virtue of any statute of custom or by the rules and practice of any of the Superior Courts were at or before the time of the passing of the Ontario Judicature Act, 1881, or are now done, transacted or exercised by any Judge of the High Court sitting at Chambers with certain exceptions therein mentioned.

By the 21st section it is provided that the Judge of the County Court, other than the County of York, and the Local Master of the Supreme Court of Ontario shall, in all actions brought to their County, have concurrent jurisdiction with and the same power and authority as the Master in Chambers in all proceedings which are now determined at Chambers in Toronto.

The undersigned appreciates the advantage of having matters of practice so far as possible disposed of by Officers of the Court without devolving this additional labor upon the Judges. It is quite clear, however, that no one can be appointed Judge of the High Court of Justice, except by Commission from Your Excellency and it is not possible to constitute any one a Judge of either a Superior or County Court by a Provincial Statute.

It follows from this, the undersigned thinks, that the Legislature cannot confer upon any person the powers of a Judge. The difficulty, however, arises in determining how far the authority or jurisdiction professed to be given by these sections of