

Correspondence.

LEGISLATION EXTRAORDINARY.

To the Editor,

CANADA LAW JOURNAL:

SIR,—By the statute which bears the title of "The Power Commission Amendment Act, 1909," Sir James Whitney has undertaken to validate a large number of contracts between various municipalities and the Hydro-Electric Power Commission. In an article in the CANADA LAW JOURNAL, a month ago, p. 138, it was mentioned that one of those contracts has already been declared void on the ground that in certain material particulars its terms differed from those ratified by the votes of the ratepayers concerned. In the same issue (p. 164) you gave a summary of the effect of a case in which it has been held by the Divisional Court that the plaintiffs in suits brought for the annulment of two other contracts are entitled to proceed, although the Attorney-General had refused to issue a fiat allowing the Commission to be made a party defendant. That the relief asked for in these suits would be granted if they should ever advance to a stage at which judgments on the merits should be rendered can scarcely be doubted. But the new statute operates so as absolutely to preclude ratepayers from resorting to the courts for the purpose of procuring a determination of their legal rights.

In order that the true scope and design of this remarkable piece of legislation may be rendered perfectly plain, its author has inserted, in addition to the general validating clause, other specific provisions to the effect that "the validity of the contracts as so varied shall not be open to question in any court (sec. 4); that "it shall not be necessary that the said contracts as so varied shall be approved of by the Lieutenant-Governor in Council (sec. 6); and that "every action now pending wherein the validity of the said contract is called in question is hereby for ever stayed" (sec. 8).

Such an extraordinary abuse of legislative power as that which is indicated by these provisions is believed to be wholly unex-