

plied acknowledgment, acquittance or release obtained by the company or the society or association prior to the happening of the wrong or injury complained of, or the damage accruing, to the purport or effect of relieving or releasing the company from liability for damages for personal injuries aforesaid.

"2. Upon the passing of this Act the Governor-in-Council shall submit to the Supreme Court of Canada for its determination the question of the competency of this Parliament to enact the provisions hereinbefore set forth; and in the event of the said Court determining that the said provisions are within the powers of this Parliament, and the time for appeal having elapsed—or in cases of appeal being taken and prosecuted, then in the event of it being determined by the Judicial Committee of the Privy Council that the said provisions are within the powers of Parliament as aforesaid—the Governor-in-Council shall thereupon name a day, by proclamation, for the coming into force of this Act, and this Act shall take effect and come into force upon the day so named accordingly."

In accordance with the provisions of s. 2 at the opening of the present sittings of the Supreme Court, the question of the competency of the Parliament of the Dominion to enact the provisions of s. 1 of this Act was considered on a reference to that Court by the Governor-General in Council. Those opposed to the amendment justified the right of a railway company to contract itself out of responsibility by reason of the rules and regulations above referred to, and also justified the right of an employee to contract himself out of compensation, and they further contended that under the B.N.A. Act to the Provinces only belongs the right to legislate in matters affecting property and civil rights, and that the Dominion Parliament has no right to encroach.

It is interesting to note here that the Grand Trunk Ry. Co. now usually pleads as a defence to actions for injuries that the G.T.R. Insurance and Provident Society, being a society authorized by the statutes of the Dominion of Canada, and their rules and by-laws being passed pursuant to such statutes, there was no power in the Legislature of the Province of Ontario (referring to s. 10 of R.S.O. 1897, c. 160) to authorize any Court or Judge