

The  
**Ontario Weekly Notes**

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HIGH COURT DIVISION.

MIDDLETON, J., IN CHAMBERS.      SEPTEMBER 15TH, 1916.

ELECTRIC DEVELOPMENT CO. OF ONTARIO LIMITED  
v. ATTORNEY-GENERAL FOR ONTARIO AND  
HYDRO-ELECTRIC POWER COMMISSION  
OF ONTARIO.

*Writ of Summons—Action against Hydro-Electric Power Commission of Ontario—Necessity for Fiat of Attorney-General—Power Commission Act, R.S.O. 1914 ch. 39, sec. 16—Constitutional Validity—Judicature Act, secs. 20, 33—Motion to Set aside Writ of Summons.*

Appeal by the plaintiffs from an order of the Master in Chambers setting aside the writ of summons on the ground of a statutory requirement that an action should not be brought against the Commission without a fiat from the Attorney-General, which had been refused. See sec. 16 of the Power Commission Act, R.S.O. 1914 ch. 39.

D. L. McCarthy, K.C., for the plaintiffs.  
I. F. Hellmuth, K.C., for the defendant Commission.  
Edward Bayly, K.C., for the Attorney-General.

MIDDLETON, J., in a short written judgment, said that the appeal failed. The statute provided that no action should be brought against the Commission without a fiat first obtained from the Attorney-General. A fiat was refused, and the writ was then issued in the face of the statute. Whatever remedy might be open to the plaintiffs, it was clear that the statute could not be ignored. The question of the validity of the statute, as being for any reason beyond the competence of the Province,