

It is unnecessary after all that has from time to time appeared in this journal to recapitulate the facts and circumstances connected with this legislation. It will be sufficient at present to quote two sections of the Act of 1909. They are as follows:—

“Section 4.—It is hereby further declared and enacted that the validity of the said contract, as so varied as aforesaid, shall not be open to question and shall not be called in question on any ground whatever in any court, but shall be held and adjudged to be valid and binding on all the corporations mentioned in section 3, and each and every of them according to the terms thereof, as so varied as aforesaid, and shall be given effect to accordingly.

“Section 8.—Every action which has been heretofore brought and is now pending wherein the validity of the said contract or any by-law passed, or purporting to have been passed, authorizing the execution by any of the corporations hereinbefore mentioned is attacked, or called in question, or calling into question the jurisdiction, power or authority of the commission or any municipal corporation or of the councils thereof, or of any of them or either of them, to exercise any power, or to do any of the acts which the said recited Acts authorize to be exercised or done by the commission or a municipal corporation or by the council thereof by whomsoever such action is brought, shall be and the same is hereby forever stayed.”

The opinion of Professor Dicey reads as follows:—

PROFESSOR DICEY'S OPINION.

First question.—Does the B.N.A. Act, 1867, s. 92, sub-s. 13, confer upon a provincial legislature (in this instance the Legislature of Ontario) power to deprive individuals of substantive rights, and especially of property rights without compensation?

Answer.—The B.N.A. Act, 1867, s. 92, sub-s. 13, confers upon a provincial legislature power to make any law in relation to “property and civil rights in the province,” and thus appears to confer upon such legislature power to deprive (if it sees fit) individuals of substantive rights, and, even though they be property rights, without compensation. There is nothing in the Act, as far as I can see, which provides that a law passed by a provincial legislature shall not be palpably unjust; nor is there anything in the Act, as there is in the constitution of the United