

the Crown, the thing is out of the question.' *The Queen v. Lords Commissioner of the Treasury* (1872), L.R. 7 Q.B. 387, 394."

In *Church v. Middlemiss* (1877), 21 L.C. Jurist 319, Tachereau, J., late Chief Justice of Canada, says at p. 322: "He forgets that the acts of the Lieutenant-Governor in Council are His Majesty's acts, that if he suffers grievances in consequence of these acts, he can, by petition of right, complain and ask redress of Her Majesty, and her alone. The members of the Executive Council can be dismissed by Her Majesty or her Lieutenant-Governor in her lieu and stead. The House of Representatives can express its disapproval of their stewardship and oust them from power. But they are not in law individually and personally responsible towards any one of Her Majesty's subjects in the Province for any of their acts as advisers of the Crown; they cannot be called to account before a court of justice for the advice given by them, and each of them to the Sovereign in Her Councils. Their acts are not their personal acts. The Crown acts by them, and their acts are those of the Crown."

See also *The Eastern Trust Company v. Mackenzie, Mann & Co.*, 22 D.L.R. 410, and *In re the Massey Mfg. Co.*, 13 A.R. 446, which latter case merely deals with enjoining a statutory persona designata.

The judgment of the Appellate Division in *Electric Development Co. of Ontario v. Attorney-General for Ontario and Hydro-Electric Power Commission of Ontario*, 34 D.L.R. 92, is very helpful for a proper understanding of the point at issue.

The Judicial Committee of the Privy Council, 47 D.L.R. 10, set aside this judgment on the ground that the questions involved were of too great importance for the action to be dismissed before trial on a summary order, but the judgment nevertheless embodies the opinion of the Appellate Division as to the law at page 389, where it is said: "The argument is that this court is entitled and bound to make a declaration which shall tie the hands of the Executive of this Province and define exactly the limits within which it can act. The practical results of such an experiment would be rather perplexing. If the Executive chose to disregard the judgment of the court, how