

an undertaking to facilitate an immediate appeal. No appeal, however, was taken, and so the matter rests.

In the discussion which has followed each step in these unusual proceedings some confusion has been caused by those supporting the provincial authorities in the press, and elsewhere, laying an undue emphasis on cases such as *Florence Mining Co. v. Cobalt Lake Mining Co.*, 18 O.L.R. 275, 43 O.L.R. 474. These cases emphatically expound the doctrine of the plenary nature of provincial powers in respect of matters within the jurisdiction of the Provincial Legislature. We venture to suggest that the true basis of the law may be found in the principle that no injunction lies against the Crown because such an injunction cannot be enforced, and because the Crown cannot be asked through its courts to restrain itself.

In *Attorney-General for Ontario v. Toronto Junction Recreation Club*, 8 O.L.R. 441, the defendants moved before Anglin, J., for an interlocutory injunction restraining the plaintiff from recommending to the Lieutenant-Governor in Council that an order be passed cancelling their charter. The injunction was refused. Anglin, J., at page 444 says:—"That the court has not jurisdiction at the suit of a subject to command or to restrain the Crown or its officers acting as its agents or servants or discharging discretionary functions committed to them by the Sovereign, is established by many authorities, of which, as one of the most recent, I may refer to *The Queen v. Secretary of State for War* (1891), 2 Q.B. 326-334, 338," and further "no precedent has been cited for the granting of such an injunction on the application of a subject defendant, though many suits affecting rights of the Crown have been maintained by Attorneys-General in England and her colonies. Such actions are in fact the suits of His Majesty, instituted by his law officer, the Attorney-General, and it is not therefore surprising that the research of the learned counsel for the defendants has unearthed no instance of any such anomalous order as that which he now asks, by which His Majesty, through the instrumentality of this Court, would restrain himself in the exercise of the functions of his Executive Government. Cockburn, C.J., says 'this court cannot claim even in appearance to have any power to command