

club as the agent of the Treasurer of Ontario by deducting five per centum from the total amount bet on every race; and that this sum be paid over to the Treasurer of Ontario at the close of each day's racing.

The Act seeks to attain the first purpose by declaring that "the law is and always has been that no extraordinary remedy by way of injunction, mandamus or otherwise lies against the Crown or any Minister thereof or any officer acting upon the instructions of any Minister for anything done or omitted or proposed to be done or omitted in the exercise of his office, including the exercise of any authority conferred or purporting to be conferred upon him by any Act of this Legislature." The Act also says "any action heretofore commenced or any proceedings heretofore taken in respect of the Corporations Tax Act, 1922, and still pending, and any order by way of injunction heretofore made in any such action or proceedings against the Crown or against any Minister thereof or any officer authorized to act upon the instructions of any Minister, shall be and is hereby forever stayed, save for the purposes of an application or applications for the payment out of court of any moneys that may have been paid into court in any such action or proceedings, and the Crown or any such Minister or officer is hereby declared to be entitled to proceed as if no such action had been commenced or proceeding taken or order made, but such stay shall not deprive the parties to any such action, proceeding or order of any right they may have to proceed by way of Petition of Right."

The provisions staying the action are not without precedent. Sec. 8 of 9 Ed. VII. ch. 19. The Power Commission Amendment Act, 1909, enacts that "every action which has been heretofore brought and is now pending . . . by whomsoever such action is brought shall be and the same is hereby forever stayed." This Act was held in *Smith v. City of London*, 20 O.L.R. 133, to be within the competence of the Legislature and not to be revised by the judicial body. See also *Beardmore v. City of Toronto*, 20 O.L.R. 165, 21 O.L.R. 505. The right to bring an action is a "civil right." However, when a motion was made to obtain payment out of court to the provincial authorities the plaintiffs opposed it. The motion was dismissed pro forma upon