

upon the fisheries reference as that judgment has been understood, but the whole question is now pending before the Judicial Committee of the Privy Council upon appeals from the judgment of the Supreme Court of Canada which have been argued.

The present Statute is not to go into operation until a day named by the Lieutenant Governor in Council, and the undersigned assumes that the Provincial Government does not intend to give effect to the Statute until the Judicial Committee has given judgment. He considers, therefore, without on the part of the Government admitting the legislative authority of the Province with respect to the various provisions of this Statute, that the Statute may in the meantime be left to such operation as it may have. It may be necessary, however, to make a further recommendation with respect to this Statute in case judgment be pronounced by the Judicial Committee within the time limited for disallowance.

Chapter 14. "An Act to make certain amendments to the Statute Law."

Section 1 provides that in any action respecting property or civil right—whether for damages or for specific relief, the judgment of the Court of Appeal for Ontario shall be final, except in certain cases therein mentioned.

While it is quite proper for the Legislature to declare that such judgments shall be final as far as provincial jurisdiction is concerned, the undersigned desires to point out that it is only the Parliament of Canada which can give or take away the right of appeal to the Supreme Court of Canada, and that the provision is *ultra vires* in so far as it intends to affect the Royal Prerogative with respect to appeals or any right of appeal to which a party may be entitled under authorized Dominion legislation.

Chapter 38. "An Act to consolidate and amend the law respecting Building Societies and other Loan Corporations."

Section 50 provides that this Act shall for all purposes extend to aliens.

Chapter 96. "An Act to incorporate the Fort Francis and Pacific Railway Company."

Chapter 97. "An Act to incorporate the Petewawa Lumber, Pulp and Paper Company."

Chapter 98. "An Act to incorporate the Seine River, Foley and Fort Francis Telegraph and Telephone Company of Ontario."

Each of these Chapters contains a section providing that aliens may be shareholders in the Company. It is a question whether this provision is within the competence of a Provincial Legislature, as the subjects of naturalization and aliens are named amongst the matters belonging to the exclusive legislative authority of the Parliament of Canada.

The undersigned does not consider, however, that the Statutes containing these provisions should on that account be disallowed.

Chapter 106. "An Act to enable Edward Spencer Jenison to develop and improve a Water Privilege on the Kaministiquia River."

This Chapter contains several provisions authorizing the Company to erect dams or weirs in the Kaministiquia and Mattawin Rivers, and to divert the channels and waters of these rivers. Such provisions are subject to the observations which have been heretofore stated as to the authority of a Provincial Legislature to legislate with regard to the beds and waters of the rivers, which are claimed to be subject to the exclusive legislative authority of Parliament, but following the course heretofore pursued in regard to such legislation and in view of the question now pending before the Judicial Committee of the Privy Council, the undersigned recommends that the Statute be not disallowed.

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