

Canada Law Journal.

VOL. XLV.

MARCH 1.

No. 5.

WHAT ARE THE FUNCTIONS OF A PROVINCIAL LEGISLATURE?—THE DISTINCTION BETWEEN PUBLIC AND PRIVATE PURPOSES.

To those who are conversant with constitutional questions, that which has appeared in the leading daily papers in relation to a subject which is said to be of general interest to large sections of this Province, and, incidentally, to the Dominion at large, is worthy of serious consideration. The discussion of this subject comes appropriately within the domain of a legal journal.

The Government of Ontario, in their laudable desire to promote the industries of the Province by providing them with the means of obtaining so-called "cheap power," appears, unfortunately, to have so acted as to bring about a state of affairs by no means conducive to the best interests of the country. Already, as has been pointed out in this journal, they have, by legislative interference with private rights, shaken public confidence in the stability of contracts, and the reliance to be placed in the judgment of the Courts. Now, in their dealing with the subject of electrical power, we find a further manifestation of this dangerous inclination to set aside all consideration for vested rights in order to carry out some object of supposed public utility, or some scheme which has attracted for the moment the support of popular opinion.

In order to effect the object of supplying electric power, the Government of Ontario set up a creation of their own called the Hydro-Electric Power Commission, a body which may be described as a combination of a Government department, a commercial agency, and a trading corporation. This body, which is endowed with all the powers and freed from all the responsibilities of a corporation, can only be brought to account for any