

The power of disallowance if I am told, exercised by the Governor-General in Council, that is, I presume, in practice by the Ministry of the day. But the power is itself unlimited, and is surely intended to be exercised to prevent the enactment of unjust laws, especially where such injustice may, as in the cases submitted to me, work gross injury to the whole people of the Dominion. In any case no variation of the policy adopted by different Ministries can affect the fact that the power of disallowance is under the B.N.A. Act, 1867, quite general and unrestricted.

*Fourth question.*—Are the provincial Acts relied upon in the *Cobalt Case* (6 Edw. VII. c. 12, and 7 Edw. VII. c. 15) and in the Hydro Electric Power Commission Act, 1909, 9 Edw. VII. c. 19 valid?

*Answer.*—I answer this question with some hesitation. On the whole I am of opinion that they are valid, i.e., they are not beyond the power conferred by the B.N.A. Act, 1867, s. 92, sub-s. 13, on a provincial legislature; but it is right to add that these Acts taken as a whole, and particularly the Power Commission Act, 1909, ss. 2-8, seem to me practically to have an effect so strange and manifestly unjust that it is possible the court—say the Privy Council—might be inclined to hold them invalid.

*Fifth question.*—Generally, what remedy have individuals for injustice worked, or which may be worked, by the Ontario Acts in question?

*Answer.*—The injustice and impolicy of these Acts is almost patent. It is clear further that though they may directly affect only property and civil rights in a particular province, they must affect the credit and interest of the Dominion of Canada as a whole. The Power Commission Act, 1909, appears to be, if there be any difference, rather more opposed to the ordinary rules of just legislation than even the Acts relied upon in the *Cobalt Case*. But the obvious unfairness of a law can hardly affect its validity if the law falls within the terms of the B.N.A. Act, s. 92, sub-s. 13.