

the outcome of an indignation engendered by continued brooding over the manifold imperfections of the tribunal assailed.

An attentive perusal of the arguments relied upon by these gentlemen has, I confess, failed to satisfy me that the case in question is bad law. Nor do I feel disposed to recede in the least degree from the opinion which I expressed in my former article, that the ulterior development of constitutional jurisprudence to which that case may possibly have opened the door will be highly beneficial, as affording a certain amount of protection against the evils of confiscatory legislation. In presenting the considerations which I deem sufficient to justify this adherence to my original views, I am, of course, duly sensible of my temerity in entering the lists against two critics of such eminence, that one of them, in spite of his firm conviction that the Privy Council has in every previous instance correctly determined the points of constitutional law submitted to it, has not shrunk from declaring that this creditable record has at last been broken, while the other, surveying the situation from the still loftier heights of consistent disapproval, merely finds in the case a fresh proof of the deplorable incapacity of the tribunal which decided it. The grounds upon which I venture to do battle with such redoubtable antagonists will, therefore, be stated with diffidence—a diffidence, nevertheless, which will be tempered in some degree that I shall be supporting the same side of the controversy as the Privy Council itself. This is a circumstance from which I derive much comfort, though I suppose that one of my opponents will scarcely appreciate my feelings in this regard.

4. Mr. Lefroy's theory as to the meaning of the phrase, "civil rights in the Province."—Let us turn, in the first place, to Mr. Lefroy's criticisms. In his article in the *Law Quarterly Review* (vol. 29, p. 288), he comments as follows upon *Royal Bank of Canada v. Rex*:—

"It is a question in my mind whether the restriction which the judgment places upon the power of our Provincial Legislatures can, or ought to be, accepted as permanent until their lordships have at some events expressly overruled what I will now venture to suggest as the true construction of the clause in question. When has a man a