

Correspondence.

ROYAL BANK OF CANADA v. THE KING.

Toronto, Nov. 17, 1914.

To the Editor, CANADA LAW JOURNAL:

SIR.—I notice that in your issues for September and November, Mr. C. B. Labatt and G. S. H.—whose identity it is not difficult to guess—have honoured Mr. J. S. Ewart, K.C., and myself by criticising certain comments which we have ventured to make upon the judgment of the Privy Council in the above case as reported [1913] A.C. 283. I shall leave Mr. Ewart to take care of himself, as he is very well able to do, but so far as I am attacked I would like to say a word or two in reply.

I shall not repeat the facts of the case which probably are very familiar to your readers, nor the somewhat extended way in which I ventured to comment upon it in the *Law Quarterly Review* (vol. 29, p. 288), but will simply say, as I have said elsewhere, that "the import of the decision seems to be that when the civil rights to be affected are civil rights in respect of a debt, in order that the provincial legislature may have jurisdiction to deal with that debt, it is necessary that both debtor and creditor, and all parties concerned should be within the local limits of the province; and that, if persons who are outside the province have rights to the debt in question, that will exclude the jurisdiction of the provincial legislature"; and that "apart from this judgment it might have been supposed that a civil right in a province, or anywhere, is nothing else than a right to invoke the assistance of the Civil Courts of that province, or other place, to give effect to some claim, whether by way of action, or of defence to an action: and that so far as anyone has such a right, it is 'a civil right' in that province, or other place, whether he has, or has not a similar right, under the same set of facts, elsewhere or not; and that over a civil right in a Canadian province, the provincial legislature has plenary power saving always the power of the Dominion Parliament."

Now, in the first place, neither Mr. Labatt or G. S. H. answer my question—"What is a civil right except a right to invoke and set into operation the machinery of the Civil Courts, directly or indirectly, to gain some debt, or recover some other advantage, or to restrain some one who is endeavouring to do so?" I must say that I have never yet found anyone who can answer this question.

My position, therefore, is simply this: The lenders in Lon-