

quite adequate to explain the point of view of the Privy Council when it gave utterance to the proposition quoted by Mr. Lefroy (p. 390) from the judgment in *Dobie v. The Temporalities Board*. Plenary power over proprietary rights created by any of the legislatures is there considered to be vested in that legislature alone, the authority of other legislatures being confined to regulation, the nature of which will necessarily vary according to the nature of the property. The only difference in the practical application of this principle in the case of the Dominion Parliament and of a Provincial Legislature will be that which results from the fact that the jurisdiction of the former extends over the whole of Canada, while the jurisdiction of the latter is confined to a certain territorial area.

If this line of ratiocination is followed out it will be difficult to agree with Mr. Lefroy in his argument (p. 388) that, as "the Provincial Legislature no more possesses the property of individuals in the Province by virtue of their legislative jurisdiction over property and civil rights than the Dominion Parliament by virtue of its legislative jurisdiction over sea-coast and inland fisheries, the conclusion would seem to force itself upon one that neither the Dominion Parliament nor Provincial Legislatures could pass an act granting a fishing lease or license upon the land of private individuals in Canada." If it is assumed that the term "possession of proprietary rights" is incorrect in its application to a legislature, and that the only control such a body normally exercises over those rights is to declare the circumstances under which they shall be created, modified, transferred, or extinguished, it would seem that the case in question is completely provided for by the provision of the British North America Act, which authorizes the Provincial Legislatures to make laws as to "property and civil rights." This power is given without any restriction or limitation, and must therefore be so far plenary in its nature as to validate even an Act which has the effect of cutting down private rights in realty. And even if I am in error as to the meaning of the phrase "possession of proprietary rights," I venture to think it is a matter of some doubt whether, in view of the enabling pro-