

the bondholders subscribed their money. The bank received the money at its branch in New York, and its general manager then gave instructions from the head office in Montreal to the manager of its branch at Edmonton, for the opening of the credit for its special account. The local manager was told that he was to act on instructions from the head office, which retained control. The conclusion arrived at by the Judicial Board was that "the special account was opened solely for the purposes of the scheme, and that when the action of the Government altered its conditions, the lenders in London were entitled to claim from the bank at its head office in Montreal the money which they had advanced solely for a purpose which had ceased to exist. Their right was a civil right outside the province, and the Legislature of the Province could not legislate validly in derogation of that right."

The only disputed point in this case was the locality of the proceeds of the bonds at the time when Alberta statute came into force. When it was once determined that their situs was then outside the Province, the inference that the Legislature had transcended its powers was unavoidable. The actual effect of the decision, therefore, is merely the definition of a particular set of circumstances under which the transmission of money from persons domiciled outside a Province, who have agreed to lend for the purposes of an undertaking within the Province, will not be deemed to have reached the stage at which it passes under the control of the Provincial Legislature. Presumably the considerations relied upon by Lord Haldane in his judgment would also be treated as controlling in cases that involve subscriptions for shares in companies.

It is unlikely that a court will ever again be called upon to deal with facts of precisely the same, or even a similar, character. Hereafter financial agents in foreign countries will doubtless see to it that the money subscribed for any bonds which they offer to the public is so deposited as to be secure from legislative interference until it has been actually due and payable to the borrowers. The case is, however, suggestive of a