

between conferring proprietary rights and conferring legislative jurisdiction. Section 91 of the British North America Act confers the latter not the former; nor are proprietary rights in relation to fisheries conferred on the Dominion by other parts of that Act. Therefore, in legislating in relation to sea coast and inland fisheries under section 91, the Dominion Parliament could not confer upon others proprietary rights in relation to fisheries, neither it nor the Crown as represented by the Dominion Government being vested with such proprietary rights. It is the supposed sequitur which I contend is novel and surprising.

In regard to Mr. Labatt's comments in respect to the case of *Dobie v. The Temporalities Board*, to which I referred in my article in the Law Quarterly Review, I think I need only point out that the Privy Council are not there referring at all to proprietary rights created by the Province of Ontario being legislated upon by the Legislature of Quebec. What they speak of there is legislative power over funds of a corporation belonging to Ontario which are situate or vested in Quebec. But the creation of a corporation does not, so far as I am aware, necessarily involve any proprietary rights at all, though it may involve the creation of an entity capable of becoming vested with proprietary rights.

I may perhaps, be allowed to add that it does appear to me that it would be quite possible to hold that though the Dominion Parliament could not transfer to itself property which has by the British North America Act been left to the Province and not vested in it, yet, that in exercising its legislative powers under section ninety-one, it might incidentally affect even Provincial property, where to do this is necessary to the full and effectual exercise of such legislative powers.

With regard to the concluding part of Mr. Labatt's article I will only observe that the doctrine of inherent law-making powers does not on the authorities apply to our constitution. Nothing seems better established on the highest authority, than that both Dominion Parliament and Provincial Legislatures have only such legislative powers as are con-