important phase of the subject has not been discussed at all by Mr. Ewart. Doubtless he deemed the point to be sufficiently clear to warrant him in taking it for granted that the right was within the jurisdiction of the Provincial Legislature. But in the opinion of the present writer such an assumption was quite unwarrantable.

If the right had been one corresponding to an obligation to pay a debt the existence of which was conceded, the case might conceivably be regarded as falling within the scope of the general rule of private international law, that "the locality of a debt is at the domicile of the creditor."(*b*) But, under the given circumstances, it is manifest that there was no such debt in the sense contemplated by this rule. The only right which, at the time when the statute in question was passed, was predicable in respect of the trust-fund, was the right of the railway company to bring an action for the purpose of determining whether the Royal Bank was under a legal obligation to pay over the money. The situs of that right must, it is apprehended, be taken to have been either in Alberta or in Quebec, according as the situs of the trust-fund is regarded as having been at Edmonton or Montreal. In this point of view the validity of the given statute depended upon the effect to be ascribed to the opening of the special account at Edmonton.

That the situs of the trust-fund was in Montreal, where the Royal Bank had its head office and had accepted the charge of the trust-fund, was manifestly assumed by the Privy Council, for the hypothesis underlying its judgment is that the rights with which the given statute purported to deal were rights springing out of an executory contract, the performance of which had never been carried to such a stage as to bring the money agreed to be paid for the railway bonds within the territorial limits of Alberta. The position taken in this regard is clearly indicated by the emphasis which Lord Haldane, in his summary of the evidence, laid upon the circumstance that the special account opened in

(*b*) *In re Goodhue* (1872), 19 Grant's Ch., p. 454, *per* Strong, V.C., citing *Sill* v. *Warswick* (1791), 1 H. Bl. 665 (690). See generally Wharton on Confl. of Laws, 3rd ed., p. 171 (§ 80-c.).