

wholly erroneous. Mr. Lefroy's words can apparently bear but one meaning, viz., that in his opinion the fact that a person residing in England, but having property or interests in a Canadian Province, is *potentially* entitled to bring an action in that Province for the purpose of asserting some claim in respect of that property or those interests involves the consequence that the situs of the right of action is in that Province, even though he may have taken no active steps to assert his claim. My own view is, that the situs of his right is in England, as long as he continues to reside there, or at all events, until he has appointed an agent in the Province for the purpose of bringing the action. The conception to which apparently Mr. Lefroy's theory must be referred if it is to be sustained, viz., that a right of action is a sort of right in gross, having a juristic existence which is so far separable from the possessor, that it has a situs in each and every jurisdiction in which an action may be brought by him for the enforcement of an obligation, seems to me so highly anomalous that I must respectfully decline to accept it on the unsupported authority of Mr. Lefroy. I confess I do not see how such a conception can be reconciled with the general principle of private international law, to which I had occasion to refer on p. 487 of the article which Mr. Lefroy is here criticising, viz. that "the locality of a debt is at the domicile of the creditor."¹

Mr. Lefroy remarks that I "seem to think that no one can have a civil right in a Province, unless he himself is domiciled in that Province." If for the term "domiciled"—which is manifestly out of place in this connection—he will allow me to substitute the words "unless he himself is actually resident in the Province, or is represented there by an agent expressly appointed for the purpose of asserting the right by legal proceedings," I have no objection to adopt this statement as being ex-

¹ The authority which I cited for this doctrine was *In re Goodhue* (1872), 19 Grant's Ch., p. 454, where Strong, V.C., relied upon *Sill v. Warwick* (1791), 1 H. Bl. 665, 660. For a general discussion of the subject, see Wharton on Conflict of Laws, 3rd ed., p. 171 (§ 80—c).