

thought to be material in defence; and at the trial, the question for decision would have been the one question that, at the trial, nobody mentioned, and nobody imagined to be of the slightest importance."

I affirmed

"that none of the bank's advisers either in Canada or England had imagined that there could be any validity in the point decided; that it was not referred to in the pleadings; that it was not mentioned in either of the two arguments in Canada; that it was not suggested in the opening speeches of the bank's counsel in London; that it was never hinted at by anybody until leading counsel for the Province had delivered two-thirds of his address; that it was then put forward, not by the bank but by Lord Macnaghten; and that counsel for the Province, without a moment for reflection, had to deal with it as best he could."

Of that argument, too, Mr. Labatt takes no notice.

He does deal with one of my "points," saying that it would be "a work of supererogation" to analyse the others: I had suggested that there must be legislative authority somewhere in Canada to do what the legislature of Alberta did, and that no argument could be advanced in favor of the authority of the Dominion. In reply Mr. Labatt says:—

"It is strange that the learned critic should have failed to take notice of the obvious alternative, that, as the trust-fund was deposited in the head office of the Royal Bank of Montreal, it was subject to the jurisdiction of the Quebec Legislature" (p. 491).

For contradiction of the fact alleged in this sentence, we have only to turn back to page 487 of Mr. Labatt's article where he says:—

"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 favour of the railway company at the *Edmonton branch* of the Royal Bank was retained under the control of the head office."

And for contradiction of the allegation that the account was "opened in favor of the Railway Company," we have only to look at the memorandum which the bank gave to the government declaring that the money was "to the credit of the *Province of Alberta*—Alberta and Great Waterways Railway special account—in the Royal Bank of Canada, Edmonton."

Under these circumstances, Mr. Labatt contends that the legislature of the Province of Quebec would have had jurisdiction