

on, is an ample warrant for some additional discussion both of that case itself and of the questions of constitutional law which it has incidentally raised. In the present article, therefore, I propose to analyse the arguments and theories of these critics, whose views, it may be premised, are essentially different to mine in almost every respect.

But before I take up this part of my task I wish to acknowledge gratefully the support accorded to me by the letter signed "G. S. H." which was inserted in the November issue of this Journal p. 583). This writer has shown very clearly by a simple and readily comprehensible illustration the preposterous consequences to which Mr. Lefroy's theory would lead, if carried to its logical conclusions. Mr. Lefroy denies the pertinency of the illustration. This was only to be expected. The question is one which the readers of the letter and his rejoinder must determine for themselves, with such assistance as I may be able to render in the present article.

II. Discussion of Mr. Masters' criticisms

In the CANADA LAW JOURNAL, November, 1914 (p. 556), Mr. Masters again argues in favour of the doctrine which he put forward in his earlier article, and which I criticized in the article of which this is a continuation, viz., that the Alberta Act discussed in *Royal Bank v. Rex*, might properly have been held *ultra vires* even if the proceeds of the sale of the bonds had been situated in Alberta. He says:—

"It must be borne in mind that this is not the case of an Act that may be *ultra vires* in part and *intra vires* as to the remainder. It is a single provision relating to specific property and must either be entirely within or beyond the competence of the legislature. That being so the simple proposition is this: The Act cannot be both *intra vires* and *ultra vires*. It is *intra vires* as dealing with property; *ultra vires* as to civil rights out of the province. Which is to govern? My opinion is that in such a case it would be *ultra vires*."

In this passage it seems to me Mr. Masters is relying upon a principle which has no application to the circumstances supposed. The Alberta Act was not a law "relating to" the "civil