

action existing outside of the Province, is *ultra vires*. That is a new and very disturbing idea. (Canadian Law Times, vol. 33, p. 260.)

In another place, commenting upon the circumstance that the Privy Council had not expressed any opinion as to the soundness of the argument submitted on behalf of the Royal Bank, viz., that as the proceeds of the bonds were not transmitted to Edmonton in actual specie, there was no "property" in Alberta with which the Legislature could deal, he suggests that the argument was probably thought immaterial(a):—

"For in any case there was a civil right of the Government and the railway, in respect of the liability of the bank, within the Province. The decision proceeds upon the ground that the Province had no power to deal with 'property and civil rights within the Province,' in such a way as to affect a civil right outside the Province."

When the two statements are read together it is apparent that what Mr. Ewart designates in the first as the "subject" of the statute under review is the "civil right" to which he alludes in the second; that he regards the existence of this "civil right" as being predicable from the existence of a liability on the part of the bank to pay over the proceeds of the bonds to the railway company; and that in his view the situs of this liability and the "civil rights" corresponding to it was in the Province of Alberta, and consequently within the jurisdiction of the Provincial Legislature. From these premises the conclusion is deemed by him to be deducible, that, as the statute was *intra vires* as being in relation to a "civil right in the Province," the Privy Council was not justified in holding it to be invalid on the mere ground that, under the given circumstances, it operated so as to affect civil rights outside the Province.

The first portion of this argument seems to be based upon the hypothesis that, at the time when the statute in question was

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(a) It is scarcely necessary to remark that, in the crude shape in which this point is stated by Mr. Ewart, it certainly would have been quite "immaterial." Clearly the question whether the proceeds of the sale of the bonds had become "property in the Province" did not necessarily depend upon whether the money had been sent there in specie. A credit at the Edmonton Branch of the Royal Bank opened on the ordinary footing, and not subject to any special control on the part of the Manager at the Head Office, would have been as effective as the transmission of the actual specie to give the money a Provincial situs.