

adequately discussed at the hearing before the Privy Council. I own I cannot comprehend why he attaches so much importance to this phase of the controversy. It may be presumed that, if the counsel for the Province had deemed it desirable to ask for an adjournment of the hearing for the purpose of enabling them to consider the point, they would have done so, and that their request would have been granted as a matter of course. If they did not make such a request, the reasonable inference is that the decisive effect of the new element thus introduced into the case was immediately appreciated by them. When the point was once suggested, its relevancy was perfectly manifest, for it simply involves the application of an elementary principle of equity to the facts presented by the record. Contrary to Mr. Ewart's contention the decision relied upon by the Privy Council is, so far as its essential aspects are concerned, perfectly simple and intelligible. His insistence on this feature of the case is all the more singular, because it manifestly furnishes a strong argument against his theory that the Judicial Committee is an incompetent tribunal, so far at least as appeals from Canadian courts are concerned. That a member of that body should have been able at the eleventh hour to suggest a controlling point which had till then escaped the notice of all the learned counsel engaged on both sides, is a fact which we should scarcely have expected a critic holding his views to dwell upon.

He makes a truly astonishing comment upon what I said with regard to the imperfect character of the dilemma suggested by him, viz., that, if the Alberta Legislature had no power to pass a law disposing of the proceeds of the bonds, that fund could not be made the subject of such a law at all, the Dominion Parliament being clearly incompetent to deal with it. My suggestion was that, as the fund was deposited in the head office of the Royal Bank in Montreal, it was within the jurisdiction of the Quebec Legislature. Mr. Ewart endeavours to make out that this statement is inconsistent with another which I made elsewhere, to the effect that, in the view of the Privy Council, "the special account opened in favour of the railway company at the