

power of the Legislature to deal as it saw fit with the property and undertaking of the railway company in the Province was, of course, indisputable; but it seemed to me to be equally indisputable that this power could not be so exercised as to affect the disposition of money which, in my view of the circumstances, had not yet become the property of the company and was still outside the Province. Under my theory the right of the company in respect of this money was merely inchoate and conditional, and by consequence the money itself was totally disconnected from the "local work and undertaking" at the time when the statute under review was passed. This explanation will shew not only the reason why I did not refer to this part of Mr. Ewart's argument, but also the reason why I was not at all impressed with the dilemma which he so triumphantly propounded in one of the sentences which he now deems it worth while to quote from his former article:—

"If under that heading [i.e., local works and undertakings] all the rights of the bondholders, everywhere, to enforce their purchased bonds can be absolutely cancelled and destroyed, how can it be said that, acting under the same head of jurisdiction, the Legislature cannot deal with the railway and its assets in Alberta, in such a way as will incidentally deprive the bondholders of a right anywhere to cancel their purchase."

It is submitted that the consequences which Mr. Ewart assumes to be deducible from the predicament thus adverted to are far from being obvious. To me it appears simply to furnish an illustration of a doctrine which I have never questioned, viz., that the validity of a Provincial statute which is otherwise *intra vires* is in no wise affected by the circumstance that it prejudices the rights of persons outside the Province.

I am also charged with having ignored the argument which Mr. Ewart deduced from the circumstance that the specific point of law upon which *Royal Bank v. Rex* ultimately turned, viz., the right of the bondholder to demand the restoration of the trust-fund after the purpose for which the money was raised had been materially altered by the action of the Alberta Legislature had neither been properly raised by the pleadings, nor