

reply. He would say that the money you are wanting is in Mr. A. B.'s pocket in Toronto, and if by any act of the Legislature of Alberta you think you can legislate the money out of his pocket in Toronto, you are mistaken. If any emissary of the Alberta Legislature or Government were to demand the money from Mr. A. B., he might say, the condition on which I received the money not having been fulfilled, I have returned it to my client in Scotland. The proposition that the Legislature of Alberta can legislate money out of A. B.'s pocket in Toronto is so supremely ridiculous that it is simply amazing that such a nonsensical notion could ever have been seriously entertained by anyone.

Mr. Lefroy's opinion that the civil right dealt with was a right of action within the province does not appear to have any force. What right of action, we may ask, existed within the province in respect of the money in question. Simply a right to sue for the money on the performance of the condition on which it was held. That was the only civil right within the Province of Alberta. That, it is true, might be confiscated by provincial legislation; but the right to sue for the money without performing the condition never existed within the province, and, therefore, clearly was not the subject of confiscation, even from Mr. Lefroy's standpoint.

It is exactly the parallel of the case I have put in regard to the \$2,000. Assume is remitted to A. B. for investment in Alberta. The only civil right that can be said to exist there, is a right to sue for the money on the performance of the condition. That might be confiscated. But to say that the money could, in the circumstances, be confiscated without performing the condition is manifestly absurd, where such legislation is directed against a person who is not in any way subject to the legislative jurisdiction of Alberta.

Neither Mr. Lefroy nor Mr. Ewart have ventured to explain how the money in question could by any process known to constitutional law have been got out of the coffers of the Royal Bank in Montreal.

That, perhaps, in their view, is wholly immaterial, and yet it would seem to be absurd to suppose that provincial legislatures can pass laws affecting, or purporting to affect, the rights of persons in other parts of the King's dominions which they have no power to enforce. Though the powers of provincial legislatures, within their respective spheres, may be plenary, yet it must not be forgotten that the limits of the province circumscribe the area within which it can be exercised, and the property and civil rights which can be affected thereby.

G. S. H.