

"Neither Mr. Labatt, or G. S. H., answer my question—What is a civil right except a right to invoke and set in operation the machinery of the Civil Courts, directly or indirectly, to gain some debt, or recover some advantage, or restrain some who is endeavouring to do so?" I must say I have never found any one who can answer this question."

It is submitted that the definition of a "civil right" which is offered in this passage is not, as its author considers, so indisputably accurate that only one answer can be returned to his question. On the contrary, it is obvious that, if phraseology of the description here used by Mr. Lefroy is adopted for the purpose of explaining the juristic nature of such a right, his words must be modified and supplemented in such a manner as to bring out clearly the essential point, that the existence of a "substantive" right is predicable only in cases in which a claim or defence can be *successfully* maintained upon the grounds alleged. From the above statement as well as from those in which he had previously explained his views it is apparent that, in forming his conception of a "civil right" he failed to distinguish clearly in his mind rights which are merely "adjective" from those which are "substantive." This is the cardinal error which vitiates the whole of his reasoning.

I think I am warranted in supposing that, if his definition be taken as it stands, and applied to the particular facts presented in *Royal Bank v. Rex*, it commits him to a doctrine of this purport and scope: Where a banking company organized and having its headquarters in one Province carries on business in another, and is consequently liable to be sued there, the right of action corresponding to that liability is a "civil right in the Province" in such a sense that it is competent for the Provincial Legislature to enact a statute to the effect that a specified person shall be entitled not only to institute an action against the company, but also to recover judgment and enforce it, although, at the time when the statute is enacted, the property with respect to which the action is to institute is in the custody of the company at its home office, and is claimed by a non-resident of the Province in which the statute is enacted, whose substantive