

the Province" imports something more than mere locality, is that under the clause following the one which deals with "civil rights," a Provincial Legislature is empowered to make laws in relation to "the administration of justice in the Province." It is submitted, however, that the words of this provision are not such as to justify the argument which he bases upon it. Manifestly it has nothing whatever to do with the creation of substantive rights. It merely authorizes a Provincial Legislature to determine the character and constitution of the tribunals, and the nature of the procedure, by which such rights—not only those specified in the preceding clause, but also those which arise from legislation in pursuance of all the other clauses of the same section of the Act—shall be enforced.

Another weighty objection to Mr. Lefroy's doctrine is that under it the situs of civil rights becomes a matter determinable solely by the declaration of a Provincial Legislature. The unsoundness of such a position is at once evident when we advert to the consideration that the very declaration to which this effect is ascribed is itself a mere nullity, unless the right dealt with is *in point of fact* "in the Province." In a case where the competency of a Provincial Legislature to pass a law in relation to a certain "civil right" is the very question to be determined, it is difficult to see upon what principle of constitutional law it can be successfully argued that the right can be brought within the scope of the law-making power by the mere process of enacting a statute which purports to modify or abolish it. To assert that this is the effect of the declaration is a mere *petitio principii*.

Furthermore, it seems to be reasonably clear that the limitations which Mr. Lefroy's doctrine would impose upon the jurisdiction of the Federal Supreme Court and the Privy Council are not in conformity with the judicial system of the Dominion. Granting for the moment that his theory with regard to the competency of a Provincial Legislature to control the Provincial Courts is correct, it is certain that this control does not extend to the higher tribunals. So far as can be gathered from his article, he has entirely failed to advert to this aspect of the matter—which is somewhat surprising, for it exhibits the unsoundness