

Having made these prefatory remarks by way of explanation, I shall now proceed to consider three articles in which other writers have recently discussed the meaning of the phrase "civil rights in the Province."

2. Rejoinder to Mr. Masters' comments upon my former article.—I shall first deal with an article in which Mr. Masters has discussed my theory as to the limits of the legislative power. See CANADA LAW JOURNAL, April 1, 1914. He accepts my contention that in *Royal Bank of Canada v. Rex(a)*, the locality of the trust fund constituted by the proceeds of the sale of the bonds in question was a vital point, and that the decision, as rendered, was inevitable, when the situs of that fund was ascertained to have been at Montreal, at the time when the given statute was enacted by the Legislature of Alberta. But he dissents from the further inference which I have drawn, that, if that fund had then been in the Province of Alberta the statute under review would have been valid. His position is thus stated:—

"If the Legislature may make laws in relation to 'property in the Province' and to 'civil rights in the Province,' then the Act, while *ultra vires* as relating to the property, is still *ultra vires* as relating to the civil rights, and, I should say, if *ultra vires* in any respect, is invalid."

Being strongly impressed with the desirability of placing, wherever it is possible, upon the British North America Act a construction which will preclude the Provincial Legislature from exercising their plenary powers in such a manner as to impair the obligation of contracts and confiscate property, I own that I should like to find some satisfactory ground upon which such a theory as is here set forth could be sustained. Mr. Masters, however, has not suggested any such ground, and, for my own part, I do not perceive now, any more than I did when I wrote my former article, under what principle of constitutional law it can be successfully argued that laws which are within the legislative competence, as relating to "property in the Province," can be declared *ultra vires* simply for the reason that they also relate

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(a) (1913), A.C. 283.