

puzzle most people to discover a ground upon which a writer whose position is, that the constitutional limitation defined by the expression "civil rights" was improperly declared by the Privy Council to be a controlling element in the case can be said to have abstained from such a discussion. It may be that Mr. Ewart merely intends to deny that he contemplated a general discussion of the phrase in question. If this is what he means, I need say no more than that the denial is, so far as I am concerned, quite superfluous. But it would be unprofitable to dwell any further upon this phase of our controversy. For the purposes of the present article, I am quite content to accept his latest explanation regarding the real nature of his position, and to restrict my comments to the specific points which he now draws attention.

His theory, as now defined, seems to be simply this—that, even if the construction placed by the Privy Council upon the phrase "civil rights in the Province" was correct, its decision was erroneous for two reasons, viz., that the subject-matter of the Alberta statute was *intra vires* under the clause regarding the passage of laws in relation to "local works and undertakings," and that, as it was valid in this point of view, the circumstance that it affected "civil rights outside the Province" was immaterial. (See p. 561 of his article.) Mr. Ewart complains that I took no notice of his former argument in this regard. The reason why I did not make any special reference to it ought, I think, to have been perfectly obvious to anyone who had read my article. My fundamental position was that the situs of the proceeds of the bonds which were the subject-matter of the litigation was still in Montreal when the Alberta statute was passed. The facts as reported seemed to me to warrant this position. It may or may not be correct, but it was clearly entertained by the Privy Council—a consideration which, I confess, weighed quite strongly with me, however slight may be its significance in Mr. Ewart's view. As long as I held this opinion it would clearly have been a work of supererogation to discuss the argument upon which Mr. Ewart lays so much stress. The