

THE JUDICIAL COMMITTEE.

REX V. THE ROYAL BANK.

In the *Canadian Law Times* (April, 1913) I ventured to criticize respectfully the decision of the Judicial Committee in *Rex v. The Royal Bank*. Ostensibly as a reply to that criticism, an article written by Mr. Labatt appears in THE CANADA LAW JOURNAL of September, 1914. It is not a reply. It is an unwitting (no doubt) misrepresentation of my criticism, and an unpardonable attack upon myself. Why the latter, I am at a loss to say. I have not the honour of Mr. Labatt's acquaintance, and I have never made any allusion to him. His article would have remained unnoticed but for my unwillingness that the profession should be left without explanation of what he has thought proper to say about me.

The foundation mistake into which Mr. Labatt has fallen in his comments upon my criticism is that he took my article as a discussion of "the meaning of the phrase 'civil rights in the Province'" (p. 475). It was not. Their Lordships held the statute in question to be *ultra vires*—

"inasmuch as what was sought to be enacted was neither confined to property and civil rights within the Province, nor directed solely to matters of merely local or private nature within it."

It was necessary, therefore, to say more or less about "civil rights within the Province," and I did. But it was not necessary (as I thought) to discuss the meaning of the phrase. And I did not do it. If anyone thinks otherwise, it would be a kindness to tell me what the conclusion was at which I arrived. It may be (as Mr. Labatt is good enough to say) that my criticism was

"merely a superstruction of unsound doctrine erected upon a basis of misstated facts" (p. 490);

but whether so or not, no discussion of the meaning of the phrase can be found in my article.

Mr. Labatt might very well have observed this, for in its absence, he himself suggests (p. 486) something which he says