

that autonomy and independence of the provinces, in regard to their own affairs, subject only to the express powers given to the Dominion Parliament, which the Privy Council has established by its former decisions.

It has taken but a few lines to state what my contention is about the meaning of the provincial power over civil rights in the province, but, if sustained, it would have established the validity of the Alberta Act. The province would have been entitled to hold the judgment it had obtained in the Alberta Courts, and to enforce it against any assets of the Royal Bank to be found in Alberta, whatever measure of respect would have been paid to that judgment in other jurisdictions. No doubt the bondholders would still have been free to sue the Bank in Quebec for recovery of their money as advanced on an enterprise which had become abortive; but inasmuch as the province had expressly renewed its guarantee of the bonds, they were, perhaps, not very likely to do so; and what would be the result of any such action on their part, under such anomalous circumstances, I am quite incompetent to say. But whether they took such action or not obviously could not affect the question of the proper construction of the British North America Act.

In a very famous judgment in 1883, *Hodge v. The Queen* (1883), 9 App. Cas. at p. 132, in reference to our Constitution, the Judicial Committee laid it down that when the British North America Act enacted that there should be a legislature for each province, and that its legislative assembly should have exclusive authority to make laws for the province and for provincial purposes in relation to the matters enumerated in section 92, it conferred authority as plenary and as ample within the limits prescribed by section 92 as the Imperial Parliament, in the plenitude of its power, possessed and could bestow. My contention, therefore, is that just as the Imperial Parliament can entirely control the action of the Courts in Great Britain and nullify any existing rights of action or defence, so can our provincial legislatures, so far as their own Courts are concerned, do the same thing, by virtue of their power over "civil rights in the province" and "the administration of justice in the province," saving always matters coming under Federal control.

—A. H. F. LEFROY in *Law Quarterly Review*.