

giving the provincial legislature exclusive power over civil rights in the province) "simply declares that the scope of the legislative power extends to substantive rights according as the persons entitled to exercise them are or are not domiciled in the province at the time when the enactment effecting them is passed."

Again Mr. Labatt says: "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 ' ' I am sure that I never said any such thing. Let me again repeat that all I say is that if a civil right is a civil right in a province, the provincial legislature has plenary power over it. So we come back to the old question "what is a civil right in a province?"

Lastly, and most marvellous of all, Mr. Labatt contends that the theory that I have advanced would interfere with the appellate jurisdiction of the Supreme Court and of the Privy Council. This we are told "exhibits the unsoundness" of my doctrine "in the clearest possible light." We are told by Mr. Labatt that on review, the validity of a provincial statute affecting the rights of a non-resident will be determined "not with reference to the fact that the provincial legislature has undertaken to deal with his 'civil rights,' but with reference to what the Court itself regards as the proper construction of the qualifying phrase, 'in the province,' and to its opinion respecting the significance of the evidence set out on the record." All I can reply is—"Of course it will; but what has that got to do with the matter?"

Proceeding now to cull some flowers from G. S. H.'s letter, he first observes that it is a curious phenomenon that "astute and clear-minded men could ever have the slightest doubt about either the perfect justice or wisdom" of the Privy Council decision. Perfect justice and wisdom, however, are matters too high for me. All I can assume to discuss is law, not perfect justice or wisdom. Law may be, and ought to be, just and wise. But whether it is or is not, is a matter with which the lawyer as such has nothing to do, that is what the old philosopher Hobbes meant when he laid down the *dictum* so shocking to weak minds, that "no law can be unjust." In the same way I object to G. S. H. stating that I have discussed in any way what would, or would not be, "legitimate legislation." All I have concerned myself with is what would be constitutional legislation, which