

to civil rights" not "in the province." Mr. Labatt asks, "Could the legislature of a province make laws derogating from the rights of a foreign holder of shares in a company incorporated by such legislature?"

Before coming to the little I propose to say on this question I wish to advert, briefly, to a point mentioned by the learned writer of the said article in respect to the decision of the Privy Council. He says that the vital point of the case was the location of the proceeds of the sale of bonds and when that was fixed in Montreal the decision that followed was inevitable. I do not at all quarrel with that statement, but am inclined to doubt the implication, namely, that if the money had been in the Province of Alberta, the result must have been in favour of the validity of the Act. If the legislature may make laws in relation to "property in the province" and to "civil rights in the province," then the Act, while intra 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.

But I referred to this matter more especially for the purpose of calling attention to the view advanced by Mr. Lefroy in the *Law Quarterly* for July, 1913. Shortly stated, his opinion is that the "civil rights in the province" mentioned in sub-clause 13 of sec. 92, British North America Act, mean only the right to resort to the provincial courts. If that be so necessarily there can be no such rights out of the province and the Act in question was not invalid as affecting civil rights. It is with great diffidence that I venture to question the opinion, on a matter of legislative power, of one who has become an authority on the subject, but in this case I am constrained to do so. I would say that the term "civil rights" used in connection with "property" in that clause means the right of an owner to protect his property, and resort to the courts is merely a mode of enforcing such right.

Mr. Lefroy says that, accepting his construction of the term "civil rights," the judgment of the Alberta courts upholding the Act should have been maintained. But it seems to