

stolidly stupid, but the decision, somehow or other, always turns out to be correct. Perhaps the Board may have similar luck in the future. While fortune stands to them we may safely remain. Third—we take a long breath—third, the critical analysis spends itself largely on sentences detached from their connection, on opinions imputed to, but not held by, the Privy Councillors. The Privy Council has laid down some rules which are useful in helping one to ascertain whether the statute is *intra* or *ultra vires*. One of these rules is that if the legislation does not fall within any of the classes of subjects assigned to the Legislatures, then the Legislatures have no jurisdiction and the matter falls within the competency of Parliament. This seems not only simple, but necessarily correct, and yet Mr. Travis with the most perverse ingenuity first misunderstands the rule and then spends page after page demolishing his misunderstanding. It is hard to see how so simple a statement could be misinterpreted. It would take “a legal analyst” to do it. But it is quite easy when you know how. This is the way:—The rule may be expressed in other language—“the new doctrine is thus established by the Privy Council, and by the fair and plain application of their tests, that Parliament can pass *the identical Act* that is held *ultra vires* of a Legislature” (144). It will be observed with what facility “a legal analyst,” by merely restating a proposition, can show its absurdity. An Act may contain something *ultra vires* of Parliament, and something else *ultra vires* of the Legislatures, and yet the Privy Council are such fools that they never thought of that, but hold that if the Act cannot be passed by a Legislature it must necessarily be within the competence of Parliament. The Judicial Board may possibly believe that to be law, but they have never said so, and (now that Mr. Travis has put them on their guard) probably never will say so. In *Russell v. The Queen*, 7 App. Ca. at p. 836, the Judicial Board did say that “if the *Act* does not fall within any of the classes of subjects in section 92, no further question will remain, for it cannot be contended” that unless it falls within one of these classes Parliament had not ful