

every reported judgment of the Privy Council upon questions arising out of the provisions of the British North America Act, 1867, relating to the distribution of legislative power between the Dominion Parliament and the provincial legislatures, and I have never seen the smallest loophole for criticism, or for doubt as to the correctness of any one of them before this last judgment. And I would consider the comment which I desire to make upon their lordship's judgment in this Alberta case entirely futile, if not quite unwarrantable, were it not that a careful study of the verbatim report of the argument before them shows that the construction for which I would contend was never submitted to the Board. It is a question in my mind whether the restriction which the judgment places upon the power of our provincial legislatures can, or ought to, be accepted as permanent until their lordships have at all events expressly overruled what I will now venture to suggest is the true construction of the clause in question.

The British North America Act, then, gives the provincial legislatures the exclusive power to make laws in relation to "civil rights in the province." When has a man a "civil right in the province?" I submit he has a civil right in the province whenever, and so far as, he can involve the aid of the Courts of the province by way of action, or by way of defence, quite irrespective of where that civil right arose, and quite irrespective of whether the same state of facts gives him also a civil right which he can enforce, by way of action, or by way of defence, in any other jurisdiction. What is a civil right, except the right to invoke the aid and put into operation the machinery of the civil courts, directly or indirectly? In other words, my submission would have been that when the Imperial Parliament gave our provincial legislatures exclusive jurisdiction over "civil rights in the province," it was simply giving them complete control of their own provincial Courts. And this is entirely consistent with the power given them by the very next clause of the British North America Act, namely, over "the administration of justice in the province, including the constitution, maintenance, and organization of provincial Courts." And, generally, it is entirely consistent with