

Canada Law Journal.

VOL. L.

TORONTO, SEPTEMBER, 1914

Nos. 17 & 18

POWER OF PROVINCIAL LEGISLATURES TO ENACT STATUTES AFFECTING THE RIGHTS OF NON-RESIDENTS.

1. Introductory.
2. Rejoinder to Mr. Masters' comments upon my former article.
3. Criticisms of other writers upon *Royal Bank of Canada v. Rex*.
4. Mr. Lefroy's theory as to the meaning of the phrase, "civil rights in the Province."
5. Discussion of Mr. Ewart's criticisms upon *Royal Bank of Canada v. Rex*.
6. Concluding remarks.

1. *Introductory*.—In an article contributed by the present writer to the CANADA LAW JOURNAL of Feb. 2, 1914, the meaning of the clause of the British North America Act [sec. 92 (13)], by which a Provincial Legislature is empowered to make laws "in relation to civil rights in the Province," was discussed under one particular aspect, *viz.*, that which is concerned with the scope of the law-making power in respect of non-resident members of a Provincial company. I suggested that the criterion with reference to which the validity of laws affecting such members must be tested is to be found in the doctrine that, while the situs of their shares is in the Province in which the company was organized, the situs of many, if not most of their personal rights in regard to the disposition of the shares, is in the jurisdiction in which they reside. From this doctrine I drew the deduction that the Legislature of the Province in which the company was organized is authorized to modify the "rights" of its non-resident members by means of a law which deals directly with their shares as "property," any other description of law which produces such a modification is *ultra vires*.

As an illustration of the category of laws which, under the