

pay over to the Provincial Treasurer had been earned. This is manifest from the report of *Royal Bank v. Rex*. Indeed, it may safely be said that, if the bank had "not been in a position to say that it owed no debt," to the railway company, the litigation must have had a different ending; for under the general principle of private international law to which I have already referred the situs of the debt could have been in the place of the residence of the creditor, the railway company, and the Legislature would clearly have had power to direct the debt to be paid to anyone whom it chose to specify. If, on the other hand, Mr. Lefroy means that the bank owed a debt to the bondholders, and that the powers of the Alberta Legislature to require the debt to be paid to the Provincial Treasurer was predicable on the ground that the situs of their corresponding right of action in respect of the recovery of the debt was in the Province, we are simply brought back to a question of law, with regard to which, as will be apparent from my previous remarks, his views and my own are conflicting.

IV. *Mr. Ewart's refutation refuted.*

Before I discuss the main portion of Mr. Ewart's rejoinder to my comments upon the arguments by which he undertook to demonstrate the unsoundness of the decision in *Royal Bank v. Rex*, it may be advisable to refer briefly to the singular complaint which he puts forward in the first paragraph of his article. (CANADA LAW JOURNAL, Nov., 1914, p. 560). These comments of mine are, it seems,

"not a reply. They are an unwitting (no doubt) misrepresentation of my criticism, and an unpardonable attack upon myself. Why the latter I am at a loss to say. I have not the honour of Mr. Labatt's acquaintance, and I have never made any allusion to him. His article would have remained without notice but for my unwillingness that the profession should be left without explanation of what he has thought proper to say about me."

I confess I do not understand on what theory an attempted refutation of legal doctrines deemed to be erroneous can be regarded as an "attack" upon the propounder of those doctrines.