5 P.C. 277; and *The John Deere Plow Company* v. *Wharton* (1915), A.C. 330. In none of these cases was the question of mortmain up for consideration. It should also be pointed out that the decision in *Chaudiere Gold Mining Company* v. *Desbarats* was nullified by legislation of the Province of Quebec before the decision of the Privy Council was given (1872), 36 Vict., ch. 25, sec. 2. Provincial, Dominion, United States, Imperial, and other companies are not required to obtain a license in mortmain in the Province of Quebec.

In considering the question of mortmain, if weight is to be given to the dicta above referred to it should be investigated whether provincial legislation is in fact within the description of "mortmain legislation." The primary purpose of this legislation is to preserve the rights of the lord of the manor. In the Western Provinces, except British Columbia, the Dominion is the lord of the manor and provincial legislation cannot be deemed to be truly within the description. It is in fact restrictive legislation, and it is open to argue that the general license to hold lands contained in the Dominion Companies Act may overrule this restriction. With respect to the other Provinces, it may be fairly said that all, except Ontario and British Columbia, have no mortmain legislation, as such, limiting Dominion companies.

Serious limitations are imposed on the extra-provincial companies legislation by a precise deduction from the decision of the Judicial Committee of the Privy Council in the *Insurance* case (1916), A.C. 588. The second question propounded for consideration in that case is as follows:—

(2) "Does sec. 4 of the Insurance Act, 1910, operate to prohibit an insurance company incorporated by a foreign state from carrying on the business of insurance within Canada, if such company does not hold a license from the Minister under the said Act, and if such carrying on of the business is confined to a single Province?"

The decision therein is as follows:—"The second question is, in substance, whether the Dominion Parliament has jurisdiction to require a foreign company to take out a license from the Dominion Minister, even in a case where the company desires to carry on its business only within the limits of a single Province.