

patent granted by the Crown may be declared null or be repealed by the Superior Court : 1. When obtained by means of some fraudulent suggestion, or when some material fact has been concealed by the patentee, or with his knowledge or consent; 2. When they have been granted by mistake or in ignorance of some material fact; 3. When the patentee, or those claiming under him, have done or omitted to do some act, in violation of the terms and conditions upon which such letters patent were granted, or for any other reason have forfeited their rights and interests in such letters patent. All demands for annulling letters patent must be made by an officer of the Crown ;¹ but a writ of *scire facias* is not necessary to obtain the revocation of letters patent.² A Nova Scotia case has held that the Attorney-General may institute proceedings by way of information asking for an injunction to restrain a company from making use of the name or exercising the powers of the company on the ground that the company was never legally organized.³

The Dominion Act⁴ declares that the charter of the company shall be forfeited by non-user during three consecutive years, or if the company does not go into actual operation within three years after it is granted.

3. Procedure necessary to obtain Letters Patent.—For the issuing of all letters patent certain fees are charged,⁵ and these the Governor-

¹ Art. 1008. See remarks of commission to amend Code of Procedure, 4th report. *Common v. McArthur*, 29 Can. S. C. R.

² *Principal Officers of Artillery v. Taylor*, 1 L. C. R., 481; Q. B. 1851, Que. C. C. P., art. 1009; R. S. C., ch. 119, sec. 83.

³ *Atty.-General v. Bergen*, 29 N. S. R., 135.

⁴ R. S. C., ch. 119, sec. 83.

⁵ R. S. C., ch. 119, sec. 84.

FEES PAYABLE FOR INCORPORATION OF COMPANIES.

ORDER IN COUNCIL, 11TH MAY, 1897.

(See *Canada Gazette*, 22nd May, 1897.)

When the proposed capital stock is \$1,000,000 or upwards	\$500
When the proposed capital stock is \$500,000 or upwards, and less than \$1,000,000	300
When the proposed capital stock is \$200,000 or upwards, and less than \$500,000	250
When the proposed capital stock is \$100,000 or upwards, and less than \$200,000	200
When the proposed capital stock is more than \$40,000, and less than \$100,000	150
When the proposed capital stock is \$40,000, or less than \$40,000	100