Your Petitioner did not seek that this provision be enacted in this Bill. The Company was not prepared to propose such a change for in its 68 years of existence its stock has never been split or subdivided and it was reluctant to disturb the existing par value of its shares which had become one of its characteristics. This amendment was put forward in the Senate Committee on the basis that the division of the shares into smaller denominations would encourage the small investor to become a shareholder in the Company and enlarge the market in which the Company will have to seek and compete for the additional capital moneys it requires and thus assist the Company in its equity financing.

To the extent that this may be so, this section might be of help to the Company. It has no effect upon the Company's shareholders' investment. Today, a shareholder might hold one share of $100 par value. If this section becomes effective the same shareholder will hold 4 shares of $25 par value or the same $100 par value of stock.

Transmission of Shares

Section 4 of the Bill is identical with section 39 of the Dominion Companies Act with the exception of the substitution of the word "the" at the beginning of the second line for the word "a" to conform the context.

Section 39 applies to every Dominion Company incorporated by letters patent and enables such companies to act and rely upon letters probate or letters of administration or other testamentary document granted by any court of Canada, Great Britain, Northern Ireland or any other of His Majesty's Dominions, colonies or dependencies or in any foreign country when called upon to enter a transmission of its shares upon its registers in consequence of the death of a shareholder.

The Ontario Companies Act contains a like provision in section 62 applicable to all Ontario letters patent companies.

Neither section 39 of the Dominion Companies Act nor section 62 of the Ontario Companies Act applies to The Bell Telephone Company of Canada.

Under the general law of Ontario, the Ontario courts will not recognize Letters Probate or Letters of Administration or other documents testamentary which have issued out of the courts of the other Provinces of Canada or of foreign countries unless they have been re-sealed or otherwise authenticated by the Surrogate Courts in Ontario. This was laid down in the very recent case of *Tensil* v. *King et al* (1947) O.W.N. 807, where the Court said:

> It is common ground that no letters of administration or probate or ancillary letters of administration or probate have been issued in Ontario.
>
> In *Fidelty Trust Co.* v. *Fenwick* (1921) 51 O.L.R. 23 at 35, 64 D.L.R. 647, Orde J. had this to say:
>
> > "That a foreign executor cannot come into Ontario and sue for the recovery of moneys due the testator's estate without first obtaining probate here is too well-established for argument. See *Whyte* v. *Rose* (1842) 3 Q.B. 493, at p. 509; *New York Breweries Co. Limited* v. *Attorney-General* (1899) A.C. 62."
>
> In *Morrice et al.* v. *Smart et al.*, (1882), 26 Sol Jo. 752, North J. stated the law thus:
>
> > It was clear that foreign executors of a foreign estate could not take in this country any 'transmission of interest or liability' without obtaining representation here.

The result is that if the Company were to allow a transmission of its shares to be entered on its Toronto register relying upon letters Probate or Administration of any province or of any foreign country which have not been authenti-