

say, with your permission I shall briefly indicate in half a dozen propositions the only further things that I have to add.

THE LORD CHANCELLOR: That may be a very convenient way of doing it. MR. MASON: And I shall not detain your Lordships further.

First I think more attention should be directed to the meaning of the word "objects," in the expression "with provincial objects." I submit that there cannot be any great difficulty in defining what the objects are, because the word "objects" here is used in the sense in which corporation lawyers when drawing articles of association, or when preparing their application for letters patent in our provinces, use the term.

Without putting it in elegant language, I submit the meaning of "objects" is that: the things that the company is incorporated to do. Then I have this proposition: that the objects of a company are the things which the company is incorporated to do. These things must be provincial in their character and scope; otherwise they are not "provincial objects." Mining—the business of mining—is not an object limited to any part of the world. It may be carried on in any part of the world. It can be a "provincial object" only if it be carried on in a province; and thus the territorial restriction becomes an essential element.

Now the next proposition is: That "provincial" must mean provincial with respect to the incorporating province, for the simple reason that the aggregate of the areas of the provinces is the area of the Dominion.

THE LORD CHANCELLOR: I think that must be so. MR. MASON: Then, my Lord, in any case it would be beyond the competence of Yukon to enable this Ontario company to exercise its objects within the Yukon, because the Yukon lands were the property of the Dominion and within the exclusive control of the Dominion. That must be so under the first sub-section of section 91, speaking of the public property, and is recognized by all the legislation, because the Dominion Lands Act is the only source to which we can go to find out what laws govern the public lands in the Yukon.

Then another proposition, my Lords, which I submit with hesitation, because I do not think it has received much attention, and I merely mention it for what it is worth. The distinguishing feature of company business is freedom from liability beyond the amount of subscription, and the protection of the public throughout the Dominion must make the matter one for proper "regulation of trade and commerce" within the sphere of Dominion action. This would be defeated were the provincial creature allowed to roam throughout the Dominion.

Next the Provincial Companies Act and the charter profess merely to grant authority only so far as the legislative authority of the province extends. This is surely equivalent to saying that the legislature limits its grant to what it can expressly give, and the company is unable to take more abroad inasmuch as comity is merely a recognition of power already existing, and does not create new powers. I merely mention in passing that your Lordship I think referred to the certificate of incorporation. I cannot speak of all the provinces, but with regard to most of them at all events the express limitations that are upon the powers of the company are shown in the same document as creates the company, that is the letters. Then every sub-section of section 92 has language showing the restriction to the territorial area of the province: if you like, it has the local character. One observation only: Why should sub-section 11, if all the others have that character, be deemed an exception: what is there in its wording to warrant that? Why should it be regarded as exceptional when all the other sub-sections have that express limitation: what is there in the wording which can warrant us in drawing that conclusion?

LORD PARKER: If you look at No. 3 of section 92 you will see that licenses may be issued "in order to the raising of a revenue for provincial, local or municipal purposes." A thing may be a local purpose and yet a provincial purpose. If it was not provincial they could not do it at all, could they? MR. MASON: I think that remark, my Lord, may be made with regard to sub-section 9 which you have referred to, and also with regard to the word "provincial" in section 2, that the term is used there in the sense of the public object.