

REPORTS AND NOTES OF CASES.

Dominion of Canada.

SUPREME COURT.

From Gov.-Gen. in Council.]

[Oct. 14.]

IN RE SECTIONS 4 AND 70 OF CANADIAN INSURANCE ACT, 1910.

*Constitutional law—Insurance—Foreign company doing business in Canada—Dominion license.**Held, per Fitzpatrick, C.J. and Davies, J.—That ss. 4 and 70 of 9 & 10 Edw. VII. c. 32 (the Insurance Act, 1910) are not ultra vires of the Parliament of Canada, Idington, Duff, Anglin and Brodeur, JJ., contra.**Held, per Fitzpatrick, C.J., and Davies, J.—That s. 4 of Act operates to prohibit an insurance company incorporated by a foreign state from carrying on its business within Canada if it 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.**Per Idington, J.—Sec. 4 does so prohibit if, and so far as it may be possible to give any operative effect to a clause bearing upon the alien foreign companies as well as others within the terms of which is embraced so much that is clearly intra vires.**Per Duff, Anglin and Brodeur, JJ.—The section would effect such prohibition if it were intra vires.**Newcombe, K.C., and Lafleur, K.C., for Attorney-General of Canada.**Nesbitt, K.C., Aimé Geoffrion, K.C., Bayly, K.C., and Christopher C. Robinson, for Ontario, Quebec, New Brunswick and Manitoba.**S. B. Woods, K.C., for Alberta and Saskatchewan. Wageneest, for the Manufacturers' Association of Canada. Gandel, for the Canadian Insurance Federation.*

From Gov.-Gen. in Council]

[Oct. 14.]

IN RE INCORPORATION OF COMPANIES.

*Constitutional Law—Incorporation of companies—B.N.A. Act—Provincial objects—Limitation—Doing business beyond the Province—Insurance company—9 & 10 Edw. VII. c. 32, s. 3, s.s. 3—Enlargement of company's powers—Federal company—Provincial license—Trading companies.**By sub-s. 11, s. 92, of The British North America Act, 1867, the legislature of any province in Canada has exclusive juris-*