

ONTARIO

62nd VICTORIA, 1899.

2ND SESSION—9TH LEGISLATURE.

Report of the Hon. the Minister of Justice, approved by His Excellency the Governor General in Council on the 18th November, 1899.

DEPARTMENT OF JUSTICE, OTTAWA, 11th November, 1899.

To His Excellency the Governor General in Council:

The undersigned has had under consideration the statutes of the legislature of the province of Ontario, passed in the 62nd year of Her Majesty's Reign (1899), received by the Secretary of State for Canada on 15th April last, and he has the honour to report that these statutes may be left to their operation without comment, with the exception of the following *us* to which the undersigned considers it necessary to make *ne* remarks.

Chapter 10. 'An Act to amend the Mines Act.'

By section 2 of this statute it is provided that no person, firm, syndicate or company conducting a mining business of any sort or kind in the province shall use the word 'bureau' to describe the name or title under which such business is carried on.

This section is subject to two objections—

(1) That it is a regulation of trade and commerce, and such regulations can only be competently made by the parliament of Canada, and

(2) Parliament having authority to incorporate companies whose objects are not merely provincial, must have the right to assign to the company such name as it sees fit.

The undersigned apprehends that a provincial legislature cannot limit parliament in the choice of a name, and that without infringing upon the authority of parliament in the regulation of trade and commerce, a provincial legislature cannot deny to a company incorporated and named by parliament, the right to carry on business in the province merely because the name of the company is not satisfactory to the legislature of the province.

The undersigned does not consider, however, that the objections so stated are in the present case of sufficient importance to justify the disallowance of the statute which contains many other unquestionable provisions.

Chapter 34. 'An Act to improve the law relating to the Fisheries of the province.'

Sections 6, 7 and 14 of this chapter seem to affect somewhat the regulation of the Fisheries.

The undersigned apprehends that it is now well understood that a provincial legislature has no right to regulate the time or the mode of fishing, and that provincial enactments affecting these matters must be *ultra vires*. He conceives, however, that so far as the present statute is concerned any question which may be raised may be better disposed of by the courts than by action of Your Excellency in Council.