

framed that if they wish to incorporate a company, they may not have to apply to half a dozen or more different jurisdictions, but to one, and that that jurisdiction may be enabled to confer on the corporation the requisite power to carry on its operations throughout the Dominion without being hampered and restricted in every Province by Provincial legislation and interference.

On the other hand, with lawyers and politicians the interests and aspirations of this part of the community most practically concerned would almost appear to be quite a secondary matter; with them the interesting questions are the right to exercise certain legislative power, and its consequent collateral advantages in the shape of patronage, the collection of revenue, etc. But this ought not so to be. All laws ought to be framed for the benefit of the community, and not to furnish lawyers or politicians with themes for controversy. And if this fact were kept in view by lawyers and politicians an end would soon be made of the conflict of jurisdiction with reference to the incorporation of companies in Canada.

As is well known, the B.N.A. Act gives the Dominion Parliament no express power to incorporate anybody except banks, and though it has been suggested that the authority to incorporate companies is to be implicitly found in clause 2 of s. 91 as coming under the authority to regulate trade and commerce, or as an incident of the various powers conferred by other clauses of that section; yet the Privy Council has declared that the authority of the Dominion in this respect is rather to be found in the first part of s. 91 as being a matter not assigned exclusively to the Legislatures of the Provinces.

By s. 91 (11) "the incorporation of companies with Provincial objects" is exclusively assigned to the Provinces.

Both the Dominion and the Provinces are therefore held to have power to incorporate companies, but the section empowering the Provinces to incorporate "companies having Provincial objects" has been interpreted to mean that the companies incorporated by a Province are not necessarily bound to confine their operations to the Province which incorporates them, but that such companies have the capacity to carry on business in all