

course, I cannot claim to speak for trust companies—but is there not the further consideration that this artificial person who is created is expected to assume functions which are properly included under the head of “property and civil rights,” and that on that ground alone possibly the province might have jurisdiction. I am not saying that it would have, but that is where the question arises, that is to say when you come to the execution of a trust in a province, it may be that the Provincial Legislature has under its jurisdiction “property and civil rights”—

THE LORD CHANCELLOR: Is not the answer really this—that is why I put the question: According to your contention you can afford us no standard by which these cases can be measured and tested. MR. WEGENAST: That is not my answer.

LORD PARKER: Your argument is that we shall be exceedingly unwise to decide any particular rule, and that we should wait till a question arises and decide on concrete facts? MR. WEGENAST: I should agree with that.

VISCOUNT HALDANE: If you were logical, and if you pushed the “territorial” construction, and pushed it to its extreme, you could not do any of these things. MR. WEGENAST: No—I should like an opportunity of disputing that if I may. It is provincial “objects,” not provincial “transactions.” As I say the character of a municipal corporation is not altered by the mere fact that it may secure some material from an outside jurisdiction. I think that is the answer. The object still remains purely local and provincial. And similarly I should submit that a manufacturing company in Ontario might purchase materials in Quebec without altering the real character of its undertaking. But, my Lords, this is the illustration that I wish to place before your Lordships, and while it leaves much to be desired in the way of clearness, still I submit it does afford a basis of distinction. Suppose a manufacturing company begins in a small way in Ontario to manufacture shoes and finds that, with the extension of its business, it is desirable to send travellers, say to Manitoba and Quebec, and finds further that, with the extension of its business it is expedient to open an office in the province of Quebec and in the province of Manitoba, and then further at a later stage finds it expedient to open a manufacturing establishment, we will say, in Montreal or Winnipeg, what I say is, that, somewhere along the track of development, a line can be drawn. I do not wish to undertake to draw the line. Perhaps that had better be left, as my Lord Parker says, to be decided when the concrete cases arise, but somewhere there is a line to be drawn beyond which the undertaking of that company becomes non-provincial.

THE LORD CHANCELLOR: Do not you see the trouble is that you are asking us to draw this line. MR. WEGENAST: No, my Lord, I say not.

THE LORD CHANCELLOR: *You*, at least, must say we are to draw the line because you will not confine the contention to strictly territorial limits, you say they may go outside. MR. WEGENAST: No, my Lord, perhaps I have not put my point in proper language. What I say is that it is quite possible that, in opening a branch in the city of Montreal, the company would be transgressing the terms of its charter, that is to say, if the words “provincial objects” are to be read in the charter.

THE LORD CHANCELLOR: Take the question you have asked: “Has a company incorporated by a Provincial Legislature for the purpose, for example, of buying and selling or grinding grain, the power or capacity, by virtue of such provincial incorporation, to buy or sell or grind grain outside of the incorporating province?” What is your answer? You have to come and contend for one view or another on this question. MR. WEGENAST: I have no definite answer to that, my Lord.

THE LORD CHANCELLOR: That is a little awkward; I thought you were here to argue one side. MR. WEGENAST: I should have hesitated to have put that question.

LORD PARKER: You can get all sorts of permutations of that. Assume they carry on the grinding in the province of their incorporation, the answer may be one thing; assuming they grind and buy in the province of their incorporation, the answer may be another. You get all sorts of possible complications. MR.