

cantile businesses or trades, and the operations of these corporations are to be confined to limited localities, not only of the various provinces, but also of the various counties of the provinces, and it must therefore be concluded that such corporations are local, provincial and private. The operation of this Bill must, undoubtedly, encroach upon the exclusive jurisdiction of the provinces, conferred by the British North America Act, section 92 (11) (16).

In the facts, argument and judgment in *Canada Pacific Railway Company v. Ottawa Fire Insurance Company*, it is nowhere suggested that the provinces have not the exclusive right to incorporate such companies. The Chief Justice, Sir Charles Kirkpatrick, in his judgment, at page 414, summed up the opinions of several Ministers of Justice reporting upon Acts of the Provincial Legislatures, in the following words:—"A careful examination of the reports made by the Ministers of Justice since Confederation shews that the unanimous opinion held, and many times expressed by them, was that a Provincial Legislature has no power to create a company with authority to do business outside of the limits of the incorporating provinces."

The converse of the above statement of the Chief Justice must be held as flowing from the statement of opinion made, namely, that the province has authority to create a company to do business inside the limits of the incorporating provinces, and, if this be so, the Federal Government has no jurisdiction to create such a company, the jurisdiction of the provinces being exclusive.

Sir Louis Davies in his judgment, at page 429, said: "If therefore my conclusion as to the meaning of the limitation 'provincial objects' is correct, if the legislature could only incorporate companies to do insurance business within the province, it seems to me to follow as a consequence that any contract made by them insuring property out of the province was wholly void."

It is evident that the exclusive jurisdiction of the provinces will be invaded by the operations of the Bill, and the recent dis-