

subject was again raised in the questions propounded by the Governor-General in Council and referred to the Supreme Court of Canada by Order-in-Council dated the 10th of May, 1910. These questions were discussed by the Supreme Court and an appeal was made to the Judicial Committee, but in the meantime the decision of the Committee in the *John Deere Plow Company v. Wharton* (1915), A.C. 330, was supposed to have decided the question.

The opinions of the Judges of the Supreme Court in the *Company* case were before the Judicial Committee of the Privy Council, and their Lordships refused to consider the abstract question which was raised. Their Lordships refused to define *a priori* the full extent to which Dominion companies may be restrained in the exercise of their powers by the operation of enactments properly framed under the provisions of sec. 92 of the British North America Act. Their Lordships held that it was not within the powers of the Provincial Legislature to enact in their then form the provisions of the British Columbia Companies Act respecting the licensing of Dominion companies. They, in substance, held that the British Columbia Act was *ultra vires* in so far as it related to Dominion companies.

The subject was next before the Courts in *Currie v. Harris Lithographing Co., Limited* (1918), 41 O.L.R. 475. The Chief Justice of Ontario, in his judgment, refused to be bound by the decision of the Judicial Committee of the Privy Council. The grounds for not following this decision may be put in this way: The Judicial Committee did not hold that it was beyond the competency of the local Legislature under any circumstances to limit Dominion companies. It was held that the legislation in its then form did not accomplish this purpose. The Chief Justice of Ontario held that the Ontario legislation was not in the same form as that of the Province of British Columbia, and for that reason the decision of the Privy Council was not applicable. It may be said that an analysis of the form of the legislation in both cases was not referred to or dealt with. His Lordship also referred to the general topic of the distribution of legislative authority respecting companies, which it is proposed to consider