

LORD PARKER OF WADDINGTON: You have to distinguish there, because it may be that the Provincial Legislature might incorporate a company for the purpose of carrying on the business of insurance, confining its operations in every respect to the province. MR. NEWCOMBE: I might use the words "within the province."

LORD PARKER OF WADDINGTON: Or it might say that they shall not carry on business outside. MR. NEWCOMBE: They might even say that, though I do not suppose there is such a case as that.

LORD PARKER OF WADDINGTON: That is not the case we are dealing with. We are dealing with the case of a company which, on the face of it, has power to carry on anywhere, provided the legislative authority is competent to give them that power. MR. NEWCOMBE: What I mean is that there are companies, local insurance companies, incorporated in both ways carrying on business throughout the Dominion by force of this Dominion enactment. Of course there is no question, I imagine, under a local charter which says the company shall not carry on business outside, but many of the provinces have been brought to accept the view, which has been taken heretofore by the Parliament, and the Government of Canada, that they had no power to authorize extra-provincial business by companies which have been incorporated to carry on business within the province according to the terms of the charter. In other cases the company has been incorporated merely to carry on insurance business.

VISCOUNT HALDANE: There is a difficulty about this. Supposing, for the sake of argument, that we were to take the view that, while the capacity was general, while a provincial company had capacity to accept powers, still the Provincial Legislature might limit that capacity so as to be something like the doctrine in the *Ashbury Company v. Riche*, then it would be a question whether, in each case, it had done so, and we should only mislead you in trying to give a general answer. MR. NEWCOMBE: A general answer would not be valuable unless it were directed to the case of a company incorporated by the province of Nova Scotia to carry on insurance within Nova Scotia, supposing those were the terms of the charter. There is a local business locally limited. The company is, you may say, within the exclusive legislative authority of Nova Scotia, yet there is a legislative power resident somewhere to authorize operations of that company throughout the Dominion. It is not in the province. We submit it is in the Dominion. I am not asking your Lordships to say what sort of a company this is after the power is exercised; whether it becomes a new company or remains the old company with added powers, but there it is.

VISCOUNT HALDANE: It may be very awkward to give a yes or no answer to that question as it stands.

LORD PARKER OF WADDINGTON: It may be good as to one company and not as to another. MR. NEWCOMBE: The only thing that I wish to say about it is this, that if your Lordships will consider the question with a view of giving an answer to it on the supposition that the company is incorporated in terms to carry on business within the province I should like to direct your Lordships' attention in that connection to the case of *Valin v. Langlois*, which is reported in 5 Appeal Cases, at page 115. This is the argument, upon the authority of that case. The item dealing with the provincial Courts is, under the 14th enumeration of section 92, within local jurisdiction. "The administration of justice in the province, including the constitution, maintenance and organization of provincial Courts both of civil and of criminal jurisdiction, and including procedure in civil matters in those Courts." They were conferring powers to try questions of the return of members to the Dominion Parliament, election petitions, and the jurisdiction was, by Dominion Statute, put upon the local Courts. It was held that the jurisdiction was good in either of two ways: first, as constituting a new Court, because there was enough in the legislation to amount to the constitution of a new Court; or, secondly, as a conferring by the Dominion of additional jurisdiction upon the local Courts, the Courts remaining provincial but exercising powers which the province could not confer. Here, in the same way, I submit that this local company, having the full power which can be granted provincially, may still receive from the Dominion additional powers which are not within the jurisdiction of the province to