

no justification for the statement that there is discrimination against Dominion companies. In fact the statute discriminated in favour of Dominion companies. The license fee for a Quebec company with capital of \$1,000,000 is \$385, while for a Dominion company with the same capital it is only \$50.

However, as the statutes stand, every Dominion company is entitled as of right to a license under the Act which also confers a license in mortmain. That there should be a discretion in granting licenses, follows, I submit from a dictum in *Citizens v. Parsons* (1881) 7 A.C. 96, page 117, which has never been questioned:—"Suppose the Dominion Parliament were to incorporate a company, with power, among other things, to purchase and hold lands throughout Canada in Mortmain, it could scarcely be contended if such a company were to carry on business in a province where a law against holding land in mortmain prevailed (each province having exclusive legislative power over 'property and civil rights in the province') that it could hold land in that province in contravention of the provincial legislation; and, if a company were incorporated for the sole purpose of purchasing and holding land in the Dominion, it might happen that it could do no business in any part of it, by reason of all the provinces having passed Mortmain Acts, though the corporation would still exist and preserve its status as a corporate body."

Since the right of escheat is without doubt in the provinces (*Attorney-General v. Mercer*, 8 A.C. 767) it must follow that the provinces should have a discretion in granting the license. That there should be a discretion is also shewn by an application under the Ontario Act. The Toronto Junction Recreation Club became a public nuisance, and an action was brought by the Attorney-General of Ontario to declare its charter forfeited (*Attorney-General of Ontario v. Toronto Junction Recreation Club*, 8 O.L.R. 440) and subsequently the charter was declared forfeited under R.S.O. c. 191, s. 99. Immediately afterwards the persons interested in the Club procured incorporation under the Dominion Companies Act, and demanded a license under the