

THE JOHN DEERE PLOW COMPANY, LIMITED  
v. WHARTON.<sup>1</sup>

[1915] A. C.

The John Deere Plow Company was incorporated by charter under the Dominion Companies Act, 1906, to carry on throughout Canada the business of dealer in agricultural implements. The British Columbia Companies Act forbids all companies incorporated outside the province, and having gain for their object, carrying on business in that province unless licensed or registered under the law of the province, and empowers the Registrar of Companies to refuse a license where the name of such an extra-provincial company is identical with or resembling that by which a company, society, or firm, in existence is carrying on business in the province. Upon this ground the Registrar refused to grant a license to the John Deere Plow Company.

*Held*, that the above provisions of the British Columbia Companies Act were, as against such a Dominion company as the John Deere Plow Company, *ultra vires*.

The significance of their lordships' judgment is shewn by the following extract from it:—

“ Their lordships think that the power to regulate trade and commerce at all events enables the Parliament of Canada to prescribe to what extent the powers of companies the objects of which extend to the entire Dominion should be exercisable, and what limitations should be placed on such powers.

<sup>1</sup> To be read in connection with the cases noted *supra*. p. 53-58.