

ince 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 Legislature, and, if a company were incorporated for the sole purpose of purchasing and holding land in the Dominion, it might happen that it would 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 statute as a corporate body."

"Later, in *Colonial Building and Investment Association and Attorney-General of Quebec*, wherein this court had restrained the association from acquiring or holding lands in this province, it was found by the Privy Council that the powers to acquire and deal in land conferred by the Dominion Act of Incorporation were not necessarily inconsistent with the provincial law of mortmain, and it was said: "What the Act of Incorporation has done is to create a legal and artificial person with capacity to carry on certain kinds of business which are defined within a defined area, viz., throughout the Dominion. Among other things, it has given to the association power to deal in land and buildings, but the capacity so given only enables it to acquire and hold land in any province consistently with the laws of that province relating to the acquisition and tenure of land. If the company can so acquire and hold it, the Act of Incorporation gives it capacity to do so." 27 *L. C. J.*, at p. 309.

"Again, in further illustration, a decision may be referred to in a case where the exercise of the legal capacity given by the charter would, as in the present case, cause damage to a private person.

"In the Privy Council report in *Canadian Pacific Railway Co. vs Parke* (1899), *App. Cas.* 535, it appeared that