

purposes of objects for which letters patent may be issued under this Part and being at the time of application a subsisting and valid corporation, may apply for letters patent under this Part, and the Secretary of State . . . may issue letters patent incorporating the shareholders of the company so applying as a company under the Part, etc." The Insurance Act, R.S.O. c. 34, s. 4(3), provides similarly for the provincially incorporated insurance companies. In the judgment of Sir Louis Davies in *Canadian Pacific Railway v. Ottawa Fire Insurance Co.*, supra, these sections are inoperative.

The attitude of the Dominion, as indicated by Bill No. 5, an Act respecting Co-operation, now before the Senate of the Dominion of Canada having passed the House of Commons, should be considered. The following are some extracts from the Bill: The preamble, "Whereas it is desirable to provide for the creation and organization of industrial and co-operative societies among the farming and labouring classes of Canada."

The first clause of section 3: "A society which may be incorporated under this Act is a society for carrying on any industries, businesses or trades (except banking, as defined by the Bank Act, life or fire insurance) so specified in or authorized by its rules, whether wholesale or retail, including dealings of any description with land."

Section 8, sub-section 2: "A society carrying on the business of credit and savings shall not operate outside of the electoral division where it has its head office; provided, however, that when a co-operative society is organized in a city composed of more than one electoral division the minister may, in the acknowledgment of organization referred to in sub-section 5 or section 4 of this Act, or by a subsequent notice to be published in the *Canada Gazette*, authorize the society to operate beyond the limits of the electoral division where it has its head office, within the limits of the said city."

It is therefore apparent from the Bill that it provides for the creation of corporations, whether known as societies, associations or companies for the carrying on of industrial and mer-