

"But if a company (insurance company) seeks only Provincial rights and powers, and is content to trust for the extension of these in other Provinces to the Governments of these Provinces, it can at least derive capacity to accept such rights and powers in other Provinces from the Province of its incorporation as has been explained in the case of the *Bonanza Company*."

It is questionable whether such a far-reaching conclusion as that of the Court in the *Weyburn Townsite* case should depend on so meagre a statement. Moreover, the Committee was considering an insurance company which is subject to peculiar limitation in all the Provinces. Undoubtedly the limited view was held by the trial Judge and it was affirmed by the Appellate Division. The judgment, however, of the Appellate Division was given on other grounds, and on an appeal therefrom to the Supreme Court of Canada the judgment of the Appellate Division was affirmed. The Judges, however, differed from the views of the trial Judge and of the Appellate Division upon this legal question, and it appears that there was no argument upon it, the decision of the Supreme Court going entirely in supporting the determination of facts held by the Appellate Division. For this reason it is open to be argued that the view of the Judges of the Supreme Court were entirely *obiter* and the question is open still for argument.

It is unnecessary to study the extra-provincial legislation of all the Provinces; that of Ontario initiated the present condition. The legislation of Manitoba on the subject serves as a type. The first legislation there was passed in 1877, and had for its object the invitation of financial companies to do business in that Province. The provisions were extended to other companies, and subsequently dealing in land was restricted. It was not until 1909 that the right of audience before the Courts was restricted.

The Ontario legislation was first passed in the year 1900, 63 Vict., ch. 24. This legislation has been followed in all of the Provinces. Its competency was first called in question in the questions propounded by the Court in *Canadian Pacific Ry. v. Ottawa Fire Insurance Co.* (1907), 39 S.C.R. 405. The judgment of the Court in this case added very little to the discussion. The