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## *SOME PHASES OF CANADIAN COMPANY LAW.**

When the decision of the Judicial Committee of the Privy Council in *The John Deere Plow Company* v. *Wharton* (1915), A.C. 330, came to hand, it was thought by those who had been following the subject that substantial advances had been made to solve the difficulties in company legislation which had been under discussion since the year 1906. It soon appeared, however, that the difficulties were to be increased. The Appellate Division of the Province of Ontario refused to follow this decision, and a similar attitude was taken by the Courts of some of the Western Provinces.

Then followed the decision of the Judicial Committee of the Privy Council in the *Bonanza Creek Gold Mining Company, Limited* v. *The King* (1916), 1 A.C. 566. This decision upset all well-settled views regarding the capacity and character of companies created under the Dominion Companies Act and of companies under Provincial legislation when created by letters patent. This was accentuated when several Provinces enacted legislation declaring that all companies incorporated under their respective authority be deemed to have the general capacity which the common law attaches to corporations created by charter, Ontario (1916), 6 Geo. V., ch. 35, sec. 6; Manitoba (1917), ch. 12; Saskatchewan (1917), ch. 34, sec. 42. No definition of a common law company or chartered company was given and no provision was made for engrafting the peculiarities of a common law company upon the statutory companies created by these Provinces.

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*The following valuable paper was the substance of an address delivered by Mr Thomas Mulvey, K.C., Under Secretary of State for the Dominion of Canada, at the recent annual meeting of the Canadian Bar Association held in Ottawa.