

4. *Corporations and companies—Governmental regulation—Companies with objects extending to the entire Dominion—Federal and provincial powers—Right to sue, whence derived.*

The legislative power to regulate trade and commerce which by sec. 91 of the British North America Act belongs to the Dominion Parliament enables the latter to prescribe to what extent the powers of trading companies which it incorporates with objects extending to the entire Dominion should be exercisable and what limitations should be placed on such powers: and sesc. 5, 29, 30 and 32 of the Companies Act (Can.) and sec. 30 of the Interpretation Act, 1906 (Can.), purporting to enable any federal company incorporated under the Companies Act of Canada to sue and be sued and to contract in the corporate name and establishing the place of its legal domicile and declaring the limitations of personal liability of the shareholders are within the legislative powers of the Parliament of Canada.

5. *Corporations and companies—Creation; franchises; Government regulation—Federal company, how affected by provincial law—Companies Act of Canada—B.C. Companies Act.*

The provisions of British Columbia Companies Act in so far as they purport to compel a trading company incorporated under the Companies Act of Canada with powers extending throughout the whole of Canada to take out a provincial license as a condition of exercising such corporate powers in British Columbia, and of suing in the courts of that province, are *ultra vires*.

*Wharton v. John Deere Plow Co.*, 12 D.L.R. 422, reversed; *John Deere Plow Co. v. Duck*, 12 D.L.R. 554, reversed; *Re Companies Act*, 48 Can. S.C.R. 331, 15 D.L.R. 332, considered.

6. *Corporations and companies—Federal company—How affected by provincial laws of general application—B.N.A. Act.*

A company incorporated by the Dominion with powers to trade is not the less subject to provincial laws of general application enacted under sec. 92 of the British North America Act.

*Union Colliery Co. v. Bryden*, [1899] A.C. 580; *Colonial Building Association v. Attorney-General*, 9 A.C. 157; *Bank of Toronto v. Lambe*, 12 A.C. 575, and *Citizens v. Parsons*, 7 A.C. 96, referred to.

These were consolidated appeals from judgments of B.C. Supreme Court, *Wharton v. John Deere Plow Co.*, 12 D.L.R. 422, and *John Deere Plow Co. v. Duck*, 12 D.L.R. 554.

The appeals were allowed.