

limits of the Province granting the incorporation; but when the question of the provincial powers came to be considered in the Privy Council it was held that although a company might be incorporated by a Province to do business within the Province, it might also be endowed by the Province with a capacity to acquire a right to do business in other Provinces: *Bonanza Creek v. The King*, 1916, 1 A.C. 566, 114 L.T. 765, and in this way it would seem as if a Province might in substance, though professedly incorporating a company for provincial objects, nevertheless enable the company so to extend its powers as practically to acquire all the powers of a company incorporated by the Dominion. We venture to doubt very much whether this latter decision really effectuates the intention of the Act. The words, "The incorporation of Companies with Provincial objects" in sec. 92 (12) seem to import that the companies which the Provinces are authorized to incorporate are to limit their operations within the territory of the Province by which they are incorporated, and it is difficult to believe that it was ever the intention of the B.N.A. Act to enable Provinces to incorporate companies capable of carrying on business beyond the limits of the Province granting the incorporation. To the ordinary mind it hardly seems possible to regard as a "provincial object" in Ontario, the carrying on of business in other Provinces; and if a Province cannot directly incorporate a company to carry on business outside its territorial limits, then whatever may be the powers of a corporation at common law, it would seem, that the kind of corporation a Province is authorized to create must of necessity be limited in its powers and incapable of extending them by its own volition so as to enlarge its powers to do business beyond the limits of the Province to which it owes its existence. And if this view of the meaning of sec. 92 (12) were correct it would follow that the Provincial statute, 6 Geo. V., ch. 35, sec. 6, Ont., which purports to give to all provincial companies the powers and capacities of common law corporations; and all kindred legislation in other Provinces would be *ultra vires*, as being an attempt indirectly to extend the powers of provincial corporations beyond "provincial objects" for which alone a Province has power to incorporate companies. But so long as the