

IMP.
P. C.
THE
GREAT WEST
SADDLERY
CO. LTD.
v.
THE KING.
—
Viscount
Haldane.

CONSOLIDATED APPEALS from the Supreme Court of Canada (1919), 48 D.L.R. 386, 59 Can. S.C.R. 19; 48 D.L.R. 404, 59 Can. S.C.R. 45, and the Supreme Court of Ontario, (1917), 41 D.L.R. 227, 41 O.L.R. 475. Reversed.

The facts of the cases are fully set out in the judgment delivered. The judgment of the Board was delivered by

VISCOUNT HALDANE:—In this case their Lordships are called on to interpret and apply the implications of a judgment, delivered by the Judicial Committee on November 2, 1914, in *John Deere Plow Co. v. Wharton*, and reported in 18 D.L.R. 353, [1915] A.C. 330. It was then laid down that the B.N.A. Act of 1867 had so enabled the Parliament of the Dominion to prescribe the extent of the powers of companies incorporated under Dominion law with objects which extended to the Dominion generally, that the status and powers so far as there in question of one of the three appellant companies could not as matter of principle be validly interfered with by the Provincial Legislature of British Columbia.

It was held that laws which had been passed by the Legislature of that Province, and which sought to compel a Dominion company to obtain a certain kind of provincial license or to be registered in the way brought before the Judicial Committee, as a condition of exercising its powers in the Province or of suing in its Courts, were *ultra vires*. The reason given was that their Lordships interpreted what had been done by the Province in that case as interfering in a manner not consistent with the principles laid down with the status and corporate capacity of a company with Dominion objects to which the Parliament of Canada had given powers to carry on its business in every part of the Dominion.

In the consolidated appeals now before their Lordships analogous questions are raised by legislation in varying forms enacted in three other Provinces, Saskatchewan, Manitoba, and Ontario.

Since the decision in 1914 the Province of Saskatchewan has passed an Act, in 1915 (5 Geo. V., ch. 14), which supersedes its earlier Companies Acts, and apparently seeks to avoid the features in these which might conflict with the decision of this Committee in the *John Deere Plow* case as to the British Columbia legislation. The question raised as regards Manitoba arises out of older legislation of 1913, R.S.M., ch. 35 (subsequently amended and re-enacted in 1916, (6 Geo. V. (Man.), ch. 20)), and as regards Ontario under an older Ontario Companies Act, R.S.O. 1914, ch.