

Public utility companies of the minor class wholly within the province should be subject to provincial control alone. What they are is a question of the general construction of their objects. The construction and operation of an electric railroad from Toronto to Hamilton or from Toronto to Newmarket may be without doubt for the general advantage of Canada, because on its line freight may be consigned to any place in another province. But it is difficult to see how a power line from Toronto to Niagara Falls can by any method of construction be held to be for the general advantage of Canada. By no possible means can it affect the interests of the inhabitants of another province, and it is difficult to see that because this line may transmit power to the State of New York it is so. For the purpose of control, electricity is a commodity of commerce and the product of the power plant could be treated as any other commodity. The limit of absurdity appears to have been reached when promoters suggested that the right to transmit power from Isle Royal should be included in the objects of a local concern at Port Arthur in order that the undertaking might be declared to be for the general advantage of Canada.

Similar disorder obtains in the creation and control of private corporations. In the case above referred to it was contended on behalf of the Minister of Justice that section 92(11) of the British North America Act, "The incorporation of companies with provincial objects," limited the objects of provincially incorporated companies to the incorporating province. Sir Louis Davies in his judgment does not go this far. At page 431, he says:—"It by no means follows from this, however, that everything the company does beyond the area of the province within which it is limited to do business in furtherance of or ancillary or incidental to its main objects or purposes is necessarily ultra vires," and he instances a manufacturing company which may go beyond the province to purchase its raw material or machinery. It would be a most difficult question to determine in many cases what is the main and what are incidental objects. A judgment of the Court would, in many cases, be necessary. For