

province, or whatever it may be. It may be a municipality also. In some instances we have acted upon requests by a municipality. Ten years ago there was a case in Vancouver of a gambling club. The Vancouver authorities requested we initiate the proceedings, and the proceedings terminated in the cancellation of the charter. However, we were at a disadvantage because we had nothing in the act. We were only at common law instead of having a statutory provision to protect us.

Mr. GRAY: Let me add that the provisions of section 4 are not to permit elaborate or frivolous application. The application can be made by the attorney general of Canada only upon the receipt of the certificate of the Secretary of State setting forth his opinion that any of the circumstances referred to apply to the company in question. I am sure the Secretary of State for Canada and the permanent officials of the department are no less responsible than are those of any provincial department, and even if they act on their initiative after a matter is brought to their attention, even by private citizens, I am sure they will not do it in any frivolous way.

Mr. LESAGE: We cannot act upon a complaint only. The complaint must be accompanied by evidence. The Department of the Secretary of State is not an investigating agency; we cannot investigate our cases ourselves. If there is any private complaint, we will ask for the evidence. In the case of a provincial department or a municipality, there is no difficulty because no such complaint would come to us without the evidence having been prepared in advance by the provincial police or the municipal police. In this case we would have sufficient facts on hand to enable us to ask the attorney general of Canada to proceed. However, if we receive a mere complaint from a person or a group of persons, and if they do not supply us with the necessary evidence, we cannot do anything. Unfortunately, this has happened in a few instances; they do not give us the necessary evidence.

There also is another problem. In so far as the practice of a profession is concerned, we think there are some provincial rights which have to be respected. We do not like to intervene in a field which comes under our Companies Act and which, at the same time, concerns a provincial jurisdiction.

The CHAIRMAN: Page 44.

Mr. LESAGE: The most important clause on page 44 is clause 50 in which we ask for the repeal of Part IV of the Companies Act, but to come into force only by proclamation of the governor in council.

Since 1898 Part IV has regulated the issue of licences to foreign mining companies operating in the Northwest Territories. This was inserted in the Companies Act long before the creation of the Department of Northern Affairs and National Resources which, since its creation, the department of the Secretary of State has continued to operate and is ready still to operate the section. However, this is a matter that concerns the Territories themselves, and we wish to have authority to hand over to that department, when they are administratively ready to take over, a function which is within their own jurisdiction.

Mr. LAMBERT: Clause 47 deals with annual meetings and reports of corporations incorporated under a special act. I take it this is consequent upon some of the observations that have been made in the miscellaneous private bills committee when it has been incorporating various companies. The results of this clause is to retain your contact with companies incorporated by special act.

Mr. LESAGE: That is correct.

May I turn to section 208A? We discussed this earlier; it deals with the bilingual names of corporations incorporated otherwise than by letters patent and gives us authority to change those names without the necessity for the companies concerned to come to parliament for that purpose.