

long as they do not effect to confer the right to carry on business in any other province, they are justified in following the course which their predecessors were following at the time when the British North America Act was passed.

My Lords, I only want to say a very few words with regard to what my friend Mr. Newcombe said as to what had taken place in Yukon. I am not going to re-argue the question of whether a Canadian company would include an Ontario company. I submit that it is perfectly clear, for the reasons stated by Mr. Justice Duff, that it would and that it is not confined to Dominion companies. My friend referred to what was said by Lord Watson in the Liquor case in 1896 with regard to the creation of municipal bodies and the powers to be conferred upon them by the Provincial Legislature. All that Lord Watson said in that passage was that the conferring on the Provincial Legislatures of the power to create municipal institutions did not appear to be under the guise of legislating for municipal institutions, the right to give to those municipal institutions any faculty which could not have been exercised by the province itself. That is really all that Lord Watson says. He says: If the province could not have controlled the liquor trade, neither could they have conferred upon the municipal institutions the right of doing it. That is really all that the passage comes to, and I do not propose further to advert to my friend's observations on that head.

Then my Lords my friend quoted the case of the *Canadian Southern Railway v. Gebhard*, in 109 United States Reports, at page 537. All that is said there is that persons dealing with a company incorporated in Ontario, in a Province, must take the risk of what the powers of that company are according to Ontario law and under its charter. That is not the point. The question is the effect of the dealings of the Government of Yukon and the Government of the Dominion with this company. I do not propose to repeat the observations I made in this connection in the earlier part of the argument.

VISCOUNT HALDANE: Could you tell me this. Section 4 of the present Ontario Companies Act, in the revised Statutes of 1897, says: "The incorporation of every company hereafter by letters patent shall be governed by this Act and all the provisions of this Act shall apply to every such company, subject to the provisions of any general Act applying to the company." That limits the power to incorporate by letters patent to what is within the statute. SIR ROBERT FINLAY: Yes, my Lord.

THE LORD CHANCELLOR: Is that so in the earlier Ontario Companies Acts, say the one under which this corporation was incorporated? MR. NEWCOMBE: Yes, my Lord.

VISCOUNT HALDANE: Was this section in that too? MR. NEWCOMBE: Yes, my Lord.

VISCOUNT HALDANE: I was reading from chapter 191, The Ontario Companies Act, 1897. SIR ROBERT FINLAY: That is the statute.

VISCOUNT HALDANE: You have answered my question.

THE LORD CHANCELLOR: We must consider what course we will take now. SIR ROBERT FINLAY: May I say a word with regard to the Companies' case, which I do not press. In our view the decision of the two cases that have been argued will answer the points raised by the question in the Companies case, as far as convenient or proper to be answered.

THE LORD CHANCELLOR: Will you take the questions. Let us go through them. SIR ROBERT FINLAY: It is at page 4 of the record.

VISCOUNT HALDANE: If you do not ask for them to be answered now, Mr. Newcombe does not want them to be answered. SIR ROBERT FINLAY: These questions were framed by my friend.

VISCOUNT HALDANE: I sat here on the application for leave to appeal and Mr. Newcombe raised an objection to leave being given on the ground that they were unnecessary.

SIR ROBERT FINLAY: The questions had been framed entirely by my friend Mr. Newcombe; the provinces had no hand in framing them at all. Then they were answered in the Supreme Court your Lordships know how, and I applied for special leave to appeal. I think my friend Mr. Newcombe did not support that application, but rather intimated a desire that it should not be granted. Anyway