

be received by the Government from any railway or other company. I refer to this especially in view of the statement published in another newspaper, attributed to Sir William Mackenzie, to the effect that there had been a demand laid before the Government, if I correctly apprehend his statement, because it concludes:

He could not give out anything as to what the Government would do; he had simply laid the case before them and it was now in their hands. He seemed to be as confident as ever as to the work he had in hand.

Can the Minister of Finance give any information to Parliament on this matter?

Hon. W. T. WHITE (Minister of Finance): I can give an explanation of the statement which I made to the press, but as to the statement of Sir William Mackenzie, or as to any remarks that may be attributed to him, of course I cannot speak. My hon. friend has correctly read what I stated to the press, namely, that no application had been received for assistance by way of loan to any railway company, nor was any expected to be received. So far as I am aware, that is a correct statement of the facts.

Mr. MACDONALD: What about the loan?

JUDGMENT OF CHIEF JUSTICE HAULTAIN.

On the motion of Hon. W. T. White for Committee of Supply:

Mr. WM. THOBURN (North Lanark): Before we go into Committee of Supply, I would like to draw the attention of the hon. Minister of Justice to a judgment which was rendered in Saskatchewan by Chief Justice Haultain, and which is of vast importance to the business men of this country. It is as follows:

The Linder Refrigerator Company, of Montreal, is to appeal against the judgment of Chief Justice Haultain given at the Supreme Court here in a case of importance to firms doing business in the province, but not registered here. The company sued the Saskatchewan Creamery for the sum of \$3,426 for a refrigerating plant and mechanical services rendered after the plant was installed. The defence mainly was that the machinery was defective. The judge held that there was no evidence to this effect, but at the same time gave judgment for defendant on the ground that the plaintiff company, being a foreign company and not registered in the province of Saskatchewan under the Foreign Companies Act, could not maintain the action on their contract in the Saskatchewan courts.

Is it possible that any Canadian firm doing business in any one province of the

Dominion and shipping goods to another Canadian firm in any other province of the Dominion, can be non-suited on the ground that the shippers were a foreign company? As I understand the meaning of the word 'foreign', it applies to a person or persons belonging to another nation or country—alien. I hope that the term cannot be applied to any Canadian business man doing business in Canada. If such is the law, then I think that the sooner that law is amended the better for all parties concerned.

Mr. DOHERTY: The matter referred to by the hon. member seems to involve a determination of the question of how far a company, incorporated by this Parliament or under the laws enacted by this Parliament to do business generally, or incorporated by or under the laws of one province, is entitled to do business in any other province without being subject to such requirements as the legislature of the province in which it seeks to do business chooses to impose. I take it that the plaintiff in this particular case was an incorporated company. This is a question upon which there has been very considerable divergence of judicial opinion. It is one of the questions in connection with the respective powers for the incorporation of companies by Parliament on the one hand and by the legislatures of the provinces on the other hand, which have been submitted for the adjudication of the courts. These questions have been passed upon by the Supreme Court of Canada, and the judgment is in process of being taken before their Lordships of the Judicial Committee of the Privy Council. Until their Lordships pronounce upon the question, I am afraid that it will be difficult for me to give to the hon. member any answer that will be of any great use to him. No doubt, when the words 'foreign company' are used, it strikes one as an anomalous that a company incorporated by Parliament or under its laws should be treated as a foreign company within a province; but Chief Justice Haultain is not alone among the judges of this country in having held that there was within the provincial legislature a power to impose conditions upon the doing of business within the province by companies incorporated otherwise than by the legislature or under the authority of the legislature itself. That is a question upon which there is a great deal to be said upon both sides, and I do not think that I can, on my own authority,