

effect of the limited powers of Provinces in regard to the incorporation of companies, it seems to follow that all incorporations by Provinces can only confer on the corporations a capacity to acquire powers necessary for provincial objects; and if the rights of the Provinces to incorporate companies is limited to those having "provincial objects," does not this result necessarily follow, that inasmuch as a Province cannot incorporate a company with extra-provincial objects neither can it validly by licence, or any other means, empower a provincial company to transcend the purposes for which it was incorporated? For, although a Province may possibly prevent an extra-provincially incorporated company from doing business without a licence, its licence may nevertheless be wholly inoperative to confer any additional powers on the licensee beyond what the incorporating authority had itself power to give or confer.

In the *Bonanza Creek Gold Mining Company v. The King* (1916), A.C. 566, the Judicial Committee of the Privy Council said in reference to the provincial legislative powers under the B.N.A. Act, s. 92 (11): "What the words really do, is to preclude the grant to such a corporation whether by legislation or executive act (according with the distribution of legislative authority) of powers and rights in respect of objects outside the Province, while leaving untouched the ability of the corporation, if otherwise adequately called into existence, to accept such powers if granted *ab extra*". From this it would appear that provincial corporations have no power by virtue of their incorporation to carry on business outside the limits of the Province by which they are incorporated, but may, "if adequately called into existence," acquire the capacity to accept such powers if granted *ab extra*. What is the meaning to be attributed to the words "adequately called into existence?" Does it not mean that the power calling the corporation into existence must at least have had the power to confer on the corporation the capacity to acquire extra-provincial powers? But that is just where provincial authority seems to fall short, it cannot directly confer on provincial corporations extra-territorial powers; *ergo*, it would seem to follow, it cannot confer on such corporations any capacity to acquire such powers; therefore a provincial licence