Counsel argued at some length that the Crown, by assenting to a statute expressly providing for the incorporation of companies by letters patent, and the cancellation of such letters patent, waived its prerogative right to grant and to revoke such letters. I find it unnecessary to deal with this question. Assuming the power of revocation now to depend upon the statute, it may well be that its provision, in form conferring or reserving a right, in substance and in reality imposes a duty to be discharged in all proper cases for the public well-being: Julius v. Bishop of Oxford, 5 App. Cas. 214. Where a mere right or privilege may be waived or suspended, a duty cannot be thus abandoned. But, whether the right of cancellation of letters patent of incorporation be now only statutory and merely a power, not a duty, or whether the prerogative right still subsists, in my opinion the bringing of this action has not clothed the Court with jurisdiction to restrain its exercise.

Counsel argued that the Crown, seeking the aid of this Court, adopting remedies assigned to its subjects, waives rights and privileges peculiar to itself, and subjects itself to such orders and mandates as the Court may, under like circumstances, issue against a subject litigant. To sustain this proposition upon the authority of Regina v. Grant, 17 P. R. 165, counsel stated that the Crown, for the purposes of any action which is instituted, submits itself to all the ordinary rules of practice and procedure of the Court which it enters. Not conclusive upon the question now under consideration, which is not one of practice or procedure, the statement is subject to several notable qualifications and exceptions.

For instance, the Crown, though it has the same right of discovery as a subject, may not be ordered itself to give discovery: Attorney-General v. Newcastle, [1897] 2 Q. B. 384. The right to withhold discovery is a prerogative of the Crown which it does not relinquish by instituting litigation. The Crown, suing through its duly constituted officers, upon obtaining an interlocutory injunction, may not be required to give an undertaking as to damages: Attorney-General v. Albany Hotel Co., [1896] 2 Ch. 696. "The King's Majesty cannot be nonsuit, because in judgment of law he is ever present in Court:" Co. Litt. 139 b. Jure Coronæ, the Sovereign is entitled to be actor in any litigation affecting his rights: Attorney-General v. Barbour, L. R. 7 Ex. 177. The Crown, as a prerogative right, is exempt from payment of costs. As a plaintiff, therefore, the Crown by no means puts itself in all respects in the plight of a subject-litigant.

If seeking the opinion of the Court upon any matter relating to the exercise of prerogative rights or executive func-