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FEDERAL AND PROVINCIAL JURISDICTION AS TO COMPANIES.

The relative rights of legislation of the Dominion and Provinces with regard to companies has again been under the consideration of the Courts in *Currie v. Harris Lithographic Co.*, 13 O.W.N. 6, 326. The main question in that case was whether or not certain sections of R.S.O., c. 179, which impose on corporations incorporated by the Dominion Parliament the necessity of obtaining a Provincial licence in order to do business within Ontario, were, or were not, *intra vires* of the Provincial Legislature. Mr. Justice Masten decided in the negative. The First Divisional Court of the Appellate Division has reversed his decision. Mr. Justice Masten based his judgment on the *John Deere Plow Case* (1915), A.C. 330; 51 C.L.J. 105, 330. The Divisional Court, on the other hand, considers that that case does not decide the point involved.

The Appellate Division lays down certain principles which it considers should govern the Courts in the determination of such questions. The following observations of the late Chief Justice Strong were cited with approval:

"It is, I consider, our duty to make every possible presumption in favour of such legislative Acts, and to endeavour to discover a construction of the British North America Act which will enable us to attribute an impeached statute to a due exercise of constitutional authority, before taking upon ourselves to declare that, in assuming to pass it, the Provincial Legislature usurped powers which did not legally belong to it; and in doing this we are to bear in mind that it does not belong to Courts of justice to interpolate constitutional restrictions, their duty being to apply the law and not to make it."