

Just as Dominion companies are subject to the control of Provincial Legislatures in regard to property and civil rights in the respective provinces, so are Provincial companies subject to control in regard to matters over which the Dominion has exclusive jurisdiction, such as the regulation of trade and commerce, navigation and shipping, etc.¹ Although a Provincial Legislature might incorporate a boom company, it could not give the latter power to obstruct a tidal navigable river,² and the charter in so far as it authorised the erection of booms, at a place where they would obstruct navigation, would be *ultra vires*.³

The Dominion Parliament having exclusive jurisdiction in certain subjects, has the right to interfere with property, civil rights or procedure within the Provinces, as far as is necessary in a general law enacted on any of these subjects.⁴ The subject of banking is within the exclusive jurisdiction of the Dominion Parliament, and the latter can legislate in regard to all matters coming within the legitimate business of bankers, although such legislation would have the effect of modifying the law of a Province in relation thereto.⁵ Thus, although chattel mortgages are not recognized in the Province of Quebec, it would appear that under sec. 74 of the Bank Act a person in that Province could, in certain cases, while retaining possession of the goods, pledge them to a bank as security for an advance.⁶

The subjects of bankruptcy and insolvency are within the exclusive jurisdiction of the Dominion Parliament.⁷ In its compulsory operation upon incorporated companies the Dominion Winding-Up Act⁸ is an insolvency law, and a company incorporated by a Provincial Legislature may be put into compulsory liquidation and wound up under its provisions.⁹ But enactments relating purely to the volun-

¹ Sec. 91 B. N. A. Act.

² *Queddy River Driving Boom Co. v. Davidson*, 10 Can. S. C. R., 222.

³ *Ibid.* and see *Halifax Co., Limited* (Dom. Sess. papers 1877, No. 89, p. 86), and see *re Lake Winnipeg Transportation L. & T. Co.*, 7 Manitoba, 255, as to an example of what is within the powers of the Provincial Legislature to incorporate.

⁴ *Cushing v. Dupuis*, 1880, 5 App. Cas., 409.

⁵ *Tennant v. Union Bank*, P. C. 1894, 6 The Reports, 382, and *Cushing & Dupuis* discussed and approved.

⁶ *Ibid.*

⁷ Sec. 91 (21) B. N. A. Act.

⁸ R. S. C., ch. 129.

⁹ *Shoolbred v. Clarke*.—In *re Union Fire Assur. Co.*, 1890, 17 Can. S. C. R., 265.—*Re Iron Clay Brick Mfg. Co. (Turner's Case)*, 19 O. R., 113.