

IV. COMPARISON OF LEGISLATION IN THE PROVINCES.

To a proper understanding of the nature and effect of the legislation in the various provinces a brief analysis of their provisions is necessary:—

1. *The Ontario Act.*—The Ontario Act⁴ requires all companies not incorporated under the laws of the province to take out a "license" before "carrying on business" within the province. Companies not complying with the provisions of the Act are liable to penalties and are incapable of "maintaining any action, suit or other proceeding in any court in Ontario in respect of any contract" in connection with business carried on contrary to the Act. The fees payable for a license are fixed by Order-in-Council. In these fees the department distinguishes between companies incorporated under Dominion laws and those incorporated in the other provinces. Dominion companies pay twenty-five or fifty dollars according as their nominal capital is within \$100,000 or exceeds that amount. Companies of the other provinces pay a fee based upon the amount of capital employed in business in Ontario, the fee being calculated on the schedule of fees for incorporation of companies in Ontario. In order to obtain its license the company must establish a head office in the province and appoint an attorney through whom all legal proceedings must be conducted.

2. *Similar Acts in other provinces.*—In New Brunswick the enactment took the form of an extension of the provisions of an Act "respecting the Imposition of Certain Taxes on Certain Incorporated Companies and Associations"⁵; and the fee imposed is an annual one of either fifty or one hundred dollars according as the capital stock of the company is within \$100,000 or exceeds that amount. No distinction is made between Dominion and provincial companies. There is provision similar to that of the Ontario Act disabling companies with...

4. 63 Vict. c. 24.

5. 3 Edw. VII. c. 25, s. 1; Cons. Stats. New Brunswick, c. 18, ss. 7 et seq.