

"4. Has Parliament authority to authorize the Governor in Council to permit a company locally incorporated to transact business throughout the Dominion or in foreign countries?

Mr. Justice Girouard declined under the circumstances to pass upon them. The opinions of a majority, Idington, Duff and Maclellan, JJ., were in favour of the provinces on the first two questions, and the Chief Justice and Sir Louis Davies contra. No opinion appears to have been expressed on the third question. On the fourth no opinion was expressed by the majority, although the minority opinion was that the Dominion Parliament has no jurisdiction over insurance companies incorporated under provincial law.

The question of the creation and control of corporations does not appear to be disposed of. It is rumoured that similar questions are to be submitted to the Supreme Court of Canada by Order in Council. The first question is raised in the *York County Loan Case*, now pending before the Ontario High Court of Justice. The attitude of the Province of Ontario may be gathered from the statute of Edward VII., which nullifies contracts made by municipalities with corporations declared to be for the general advantage of Canada or not under the control of the Provincial Legislature unless approved of by order of the Lieutenant-Governor in Council and that of the Dominion Parliament in the bill respecting co-operation, referred to hereafter, now before the Senate, having passed the House.

No doubt, by the process of litigation and final decisions of the Judicial Committee of the Privy Council, some definite settlement of these questions may be procured at the expense of private litigants, the Federal government and the provinces. This would be after the delay, uncertainty and the conflict which must be waged upon it. Notwithstanding the recent criticism in our public press of the Judicial Committee of the Privy Council, it is well for the Dominion and its provinces that there is such a body to stand between centralization and localism. Although this is so there appears to be no good reason why all these questions should not be arranged by conferences of the