

1849. the directors to comply with the provisions of the act in question.

Hamilton
v.
Desjardins
Canal Co.

The defendants, on the contrary, insist that the motion must be refused: first, because there is a defect of parties, inasmuch as the Attorney-General should be a co-plaintiff, not only on account of the large sums advanced to the corporation from the revenues of the province, but also in order to represent and guard the interest which the public have in all works of this description; secondly, because the suit has been improperly constituted, the plaintiffs not having shown by their bill any grounds for suing on behalf of themselves and the other shareholders, and because the company should have been plaintiffs; thirdly, because an order to pay money into court, under the circumstances of the case, would not only be unprecedented, but highly injurious to the interests of the company.

With respect to the first objection, we think it equally clear, upon reason and authority, that the Attorney-General is not a necessary party to this suit.

Judgment.

In regard to the last objection, were it necessary now to pronounce an opinion upon that, we feel the utmost difficulty in persuading ourselves that such an order as is asked by this motion could be justified by reason or authority. The plaintiffs have argued throughout as though this were an application by the *cestui que* trust, against his trustee, to bring into court money admitted by the answer; and no doubt were this such a case, the order, as to some of the amounts at least, would be in accordance with the well understood practice of the court. But the similarity between this case and the one suggested as analogous, is much more in sound than in substance. The prayer of the bill, indeed, asks that this court should appoint a receiver, to manage the affairs of the company, and an injunction to prevent the directors—the defendants in this suit—from all interference; and had it been competent to this court to grant that relief, an order compelling the payment of the revenue of this company into court might seem more reasonable. But it is too obvious for argument, that the court has no such jurisdiction as that supposed. The prin-

cip
con
con
affa
dire
tion
mar
too,
the
affai
give
a co
nece
its
Cour
such
ente
lang
the p
that
cums
think
would
when
when
been
electe
that
now f
would
preser
asked
dent e
but th
case c
which
reply,