

which seem to require revision in the Bill under discussion. It will be noticed that in section 47, sub-section 3, it is provided that "the auditors shall at all reasonable times have access to the books and accounts of the Bank." The section which immediately follows provides that "no person, who is not a director, shall be allowed to inspect the account of any person dealing with the Bank." It is at once apparent that a contradiction is here involved, and it might tend to remove this anomaly if the words "or auditor" were inserted in the latter provision after and immediately following the word "director."

Again, Section 19, sub-section 6, amends a provision of the present law, by omitting the words "at the first meeting after completion of their number." Under the present law the presence of this clause seems in effect an enactment that a vacancy created in the office of the president or vice-president cannot be filled until the directors constitute a full board as fixed by the by-laws. In omitting this clause the word "remaining" should precede the word "directors" *i.e.*, the remaining directors shall from among themselves, &c. Otherwise it might be argued that in the absence of express provision to the contrary, the officers mentioned can only be filled by a full board, as is provided in the preceding sub-section which clearly lays down that only after the election of the full number shall the directors proceed to ballot for president and vice president.

LOANS ON REAL ESTATE.

Before leaving this part of my investigation, I cannot refrain from expressing regret that at least one very open question has not been made the subject of Legislative interpretation. I refer to section 69, which is a re-enactment *verbatim* of section 48 of the present Act. This latter section is fully discussed by me elsewhere (L. & P. of Banking 170, *et seq.*) to which reference is directed. The question was whether the security of real estate might be taken simultaneously with a loan made legitimately in the course of a banking business. After considering cases bearing on the point, I concluded that the decision in the case of the Commercial Bank *vs.* The Bank of Upper Canada was in my opinion the law on this point, but I added, lest my opinion should be at fault, and, after consultation, considering the gravity of the question, that:—

It must be stated, however, that since the rendering of the decision in the Bank of Toronto *vs.* Perkins, it seems to be the opinion