persons as had or might become shareholders, a body politic and corporate by the name of the "Pioneer Beetroot Sugar Company, limited," for the purpose and with the capital stock therein mentioned.

The petition was verified by the solemn affirmation of the said Gerhard Lomer, in which he declared that to his knowledge the allegations and averments of the said petition were true, and it was accordingly recited in the letters patent that the said Gerhard Lomer, the defendants, and the said other persons had by petition represented that they were desirous to be incorporated by the name of the Pioneer Beetroot Sugar Company, and that the truth and sufficiency of the facts stated in the said petition had been established to the satisfaction of Her Majesty.

It was enacted by Section 51 of the said Act that, save only in any proceeding by *scire facias* or otherwise for direct impeachment thereof, the letters patent or supplementary letters patent themselves or any exemplification or copy thereof under the Great Seal should be conclusive proof of every matter and thing therein set forth.

Parol evidence was given in the actions on the part of the defendants, but the whole of that evidence was objected to, and a motion was made by the Bank that all parol evidence adduced by the defendants to contradict their subscription in writing to the capital stock of the said Company, or to contradict the said letters patent or anything mentioned therein, should be declared illegal and be rejected.

In December, 1884, the defendants instituted proceedings for improbation of the said letters patent under Article 154 and following Articles of the Code of Civil Procedure for Lower Canada, with the object of having their names struck out of the said letters patent. That application was dismissed by the Superior Court, and the judgment having been in this respect affirmed by the Court of Queen's Bench, from which there has been no appeal, it is not necessary to consider it further.

In December, 1884, the Honourable L. O. Taillon, as Attorney General of the Province of Quebec, filed an information against the said Company and the appellant Thomas Darling as liquidator thereof and the Bank as *mise en cause*, whereby after alleging, amongst other things, that the above-mentioned letters patent had been obtained by fraudulently suggesting that the defendants and others had petitioned for the grant of the same, and were desirous that the same should be granted, and alleging that the defendants had represented that they could not adequately defend themselves without the benefit of a *scire facias*, he prayed that a writ of *scire facias* should issue and be made known to the said Company, and to the said Thomas Darling in his quality of liquidator of the said Company, and to the said La Banque d'Hochelaga, ordering them and each of them to appear and show anything which they or either or any of them might have or know why the said letters patent should not be declared fraudulent, null, and void, at least in so far as the said defendants were concerned; and further that the Court being more surely informed of all the premises should then declare by the judgment to be rendered on the said information that the said letters patent were fraudulent, null, and void, at least in so far as the said defendants were concerned.

A writ of *scire facias* was issued according to the terms of the information.

Thereupon the Company, declaring that they severed in their pleading from the *mis en cause*, demurred to the said information, because, amongst other reasons, the remedy sought to be invoked by the informant, to wit, the process of *scire facias*, cannot be applied except to set aside the letters patent themselves, which was not sought to be done in the present case.

The Company also, without waiver of their demurrer, pleaded to the said information, and, amongst other things, alleged that it was specially false that the persons at whose request the said information was issued, that is to say, the defendants in the said actions, never participated in the application for the issue of the letters patent in question, nor ever subscribed for stock in the said Company, and that, on the contrary, they and each of them did subscribe unconditionally to the capital stock thereof, and did either