

ested in the bank could proceed without the Attorney-General at all. There were these milder remedies, which would prevent the existence of the evil while it preserved the existence of the bank, instead of the Crown exerting its prerogative, and blotting out this charter, and causing the Corporation to be wound up.

MR. ROCHESTER: Is it not the law of the land?

MR. BLAKE said the power was there, not by Statute, but by common law; but he said it was not for one Corporation to call for the extinction of a rival company. Before exercising such a prerogative, public interest must be considered; and, in his opinion, the public interest and the credit of the country would be injured by this summary proceeding.

MR. ROCHESTER: How long will you allow these proceedings to go on?

MR. PALMER: Why don't you stop them?

MR. BLAKE: I have nothing to do with stopping them.

MR. ROCHESTER: It has been going on for years.

MR. BLAKE: How long has the Crown known of it?

MR. ROCHESTER: Well, I am not prepared to say.

MR. BLAKE: Probably three or four months.

MR. ROCHESTER: I think longer.

MR. LAFLAMME: Certainly not, as far as my recollection goes it must have been in the month of November or September last.

MR. BLAKE said he did not know how long it had been going on, but he believed that the general interest required that the steps should be taken to prevent the continuance of the illegal trading, but not stop the banking corporation altogether.

MR. TASCHEREAU said there was a case now pending before the Chancery Court, and the case of *Simon v. Banque Nationale*, in which this was the disputed point, and he thought it out of place to discuss now the question whether the Minister of Justice

Mr. BLAKE.

was right or wrong in refusing to grant an order of *scieri facias*. When the papers came down they would justify the action of the Minister of Justice, and prove that he was right. The Banque Nationale was one of the best institutions in the country, and in its trading transactions had only acted in protection of its own interests. The bank had not been trading illegally, it had been only protecting its own interests in having transfers made to it and working the timber after it had been cut by the insolvent party himself.

SIR JOHN A. MACDONALD said it would be extremely unfortunate that any individual could, because a bank had wittingly or unwittingly acted beyond the scope of its charter, take successful steps to dissolve the Corporation, to destroy its stock, and throw it into confusion. But it was questionable whether the proper authority, the Attorney-General, could refuse a writ of *scieri facias* on application, however disastrous the consequences might be. This was a question which had arisen on the nonce, and on which, therefore, he was not, at the present moment, prepared to give an opinion. He would be very sorry to find that the law did not allow discretionary power to the Attorney-General in granting this writ, but they must look at the general policy of the Legislature with respect to banking institutions. There had been no point more strongly insisted upon since incorporation was granted to these institutions, than that they should not on any account be drawn from their legitimate business of banking and become trading corporations, even for the sake of securing themselves against probable loss. The temptation was very great, when they had given to the trader advances and found that by taking the business out of his hands they could secure their claim; but even that temptation must be resisted, because it struck at the very policy of the country, and the security of the public had in these institutions, by its being known that the whole policy of the country was against allowing them to become trading institutions under any circumstances. He did not know whether this bank had