has ever known, and this at the beginning of winter only. What must it become before the winter ends?

Looking round upon all this, we cannot but be thankful for our condition as a country. It is not, as some foolishly put it, that we are so unenterprising that business calamities cannot disturb us. Any one who knows Canada will know that this is an absurdity. Our growth in population, wealth, extent of business and general resources, for the last hundred years, has not been on quite as considerable a ratio as that of the United States. But we certainly have the advantage of a well-balanced system of government, of good banking legislation, of a sound financial basis for our engagements, and, on the whole, of an intelligent and well trained business and farming community. There are drawbacks to all this, as we well know, and some of them are very considerable, but we know where our defects lie, and in good time, no doubt, the country will proceed to remedy them.

So, on the whole, as the year is closing, we can look back upon the past and look round upon our present position with thankfulness and confidence and hope.

ABSTRACT OF BANK RETURNS.

30th November, 1892. [In thousands.]

Description.	Banks in Quebec.	Banks in Ontario.	Banks in other Prov's	Total
	$	$	$	$
Capital paid up..	34,694	17,505	9,706	61,905
Circulation	18,499	12,818	5,807	37,124
Deposits	89,062	67,494	23,160	179,716
Loans Discounts & Investments	110,672	77,706	38,958	222,336
Cash, Foreign balances (Net) and Call Loans.....	39,613	26,922	5,373	71,908
Legals	5,673	3,748	2,073	11,494
Specie	3,142	1,977	1,138	6,258
Call Loans...	8,225	10,470	1,320	20,015
Investments ..	8,923	8,340	3,062	20,325

Government Sav. Bks	$42,154	
M. City and Dist. S. Bk....	8,843	
La Caisse d'Economie	4,348	
Loan Companies	19,000	
		$ 74,345
Bank Deposits		176,050
		$250,395

30th November, 1893. [In thousands.]

Description.	Banks in Quebec.	Banks in Ontario.	Banks in other Prov's.	Total.
	$	$	$	$
Capital paid up	34,721	17,658	9,710	62,090
Circulation	17,528	12,052	5,540	35,120
Deposits........	86,267	66,622	23,157	176,050
Loans, Disc'ts & Investments...	111,610	81,105	33,742	226,464
Cash, Foreign Balances (Net) & Call Loans..	35,615	22,359	6,030	64,004
Legals	6,419	4,528	2,094	13,041
Specie......	4,035	2,238	1,315	7,589
Call Loans..	5,069	8,280	1,115	14,465
Investments.	7,250	9,106	3,265	19,630

WAREHOUSE RECEIPTS AND THE BANK ACT.

We made a short reference last week to the cabled report of the judgment of the Privy Council in the case of Tennant *vs.* The Union Bank. The full report of the findings of the Court is now before us. The facts briefly were, that Alexander Christie, acting on behalf of the firm of which he was a member, and also on behalf of Peter Christie, who was an endorser of the firm's paper, made an arrangement with the manager of the Union Bank of Canada, whereby the firm's indebtedness to the Federal Bank was paid off; it being agreed that the Union Bank was to have warehouse receipts on the logs cut on the limits of the firm and on the lumber manufactured from the logs. Notes were given by Peter Christie, endorsed by the firm to the Union Bank, and a document in the form of a warehouse receipt was also given to the bank on the logs then in Lakes St. John and Couchiching. Later on other warehouse receipts were from time to time given on the lumber after it was manufactured and stored in the firm's yard. Certain notes were paid, but a large amount remaining due the bank, they seized the lumber under their warehouse receipts. The firm assigned to Tennant, and the creditors in his name brought action to recover the lumber seized, which they claimed belonged to the assignee, not to the bank.

It was contended for the assignee that the receipts in question were such as the bank could not receive, but the Court held that assuming the Bank Act to be *intra vires* of the Parliament of Canada, the receipts were such as the bank could lawfully receive. The obvious effect of section 54 of the Bank Act, which gives persons who grant warehouse receipts and who are engaged in the calling of saw miller, and at the same time are owners of the goods mentioned in the warehouse receipt, power to give valid warehouse receipts, notwithstanding their occupying this dual position, the Judges decide, they hold the effect to be to make for the purpose of the Bank Act such a warehouse receipt given by an owner of goods who carried on, as the firm did, the trade of a saw miller, as effectual as if it had been granted by his bailee, although his business might be confined to the manufacture of his own timber, and they find that the section permitting warehouse receipts to be taken by banks as collateral security only could not be held to cut down the plain enactments of 54.

This narrowed the question at issue down to whether or not the sections of the Bank Act were *ultra vires* of the Dominion Parliament, because they intrench on the civil-rights power to legislate as to which is allotted exclusively to the provinces. Section 91 of the British North America Act gives the Parliament of Canada power to make laws in relation to all matters not coming within the classes of subjects by the Act exclusively assigned to Provincial Legislatures. Section 92 gives the provinces the exclusive power as to property and civil rights in the provinces. The Court decides that statutory regulation with respect to the form and legal effect in Ontario of warehouse receipts and other negotiable documents which pass the property of the goods without delivery unquestionably relate to property and civil rights in that province. The objections taken for the assignee to the provisions of the Bank Act would be unanswerable, they say, if it could be shown that by the British North America Act the Parliament of Canada was debarred from trenching to any extent upon the matters assigned to provinces by the ninety-second section. Section ninety-one expressly declared that "notwithstanding anything in this Act," the exclusive legislative authority of the Parliament of Canada should extend to all matters coming within the enumerated classes (among others to banking), which plainly indicated that the legislation of that Parliament, in so far as it strictly related to those matters, was to be a paramount authority. To refuse effect to the declaration would render nugatory some of the legislative powers specially assigned to the Canadian Parliament. For example, among the enumerated classes of subjects in section ninety-one were patents of inventions and discovery, and copyrights. It would be practically impossible for the Dominion Parliament to legislate upon these subjects without affecting the property and civil rights of individuals in the provinces.

It only remained for consideration whether warehouse receipts taken in security by a bank in the course of the business of banking were matters coming within the class of subjects described in section ninety-one as "banking, incorporation of banks, and the issue of paper money." The legislative authority conferred by these words is not, the judicial committee of the Privy Council decides, to be confined to the mere constitution of corporate bodies, with the privilege of carrying on the business of bankers. It is to be extended to the issue of paper money, which necessarily meant the creation of a species of personal property, carrying with it the rights and privileges which the province did not and could not attach to it. It also comprehended banking, an expression which was wide enough to embrace every transaction coming within the legitimate business of a banker. And it appeared to the court that the plenary authority given to the Parliament of Canada by section ninety-one to legislate in relation to banking transactions was sufficient to sustain the provisions of the Banking Act which were impugned.

The learned judges of the Court below, with one exception, had come to the conclusion that the transaction was substantially one between the firm and the respondents, Peter Christie being really an intermediary, and consequently that the respondent had a right against the firm, to demand and receive warehouse receipts for the timber in security for their advances. The appellants pleaded that the provisions of the Bank Act with respect to warehouse receipts were such as to render the receipts invalid. Their further contention was, that whilst the Legislature of Canada had power to deprive its own creature, the bank, of privileges enjoyed by other lenders, under the Provincial law it had no power to confer upon the bank any privilege as a lender which the Provincial law did not recognize. Their Lordships on these points held, that the provisions of the Bank Act with respect to warehouse receipts were *intra vires*, and the lending of money on security of documents representing the property of goods was a proper