

Foster, Angel and Ames, Brice, Fisher Abbott's digest, etc. In a word we must own that we cannot understand hon. Sir Campbell could say: "No duty imperatively devolves upon me under the language of the statute creating my office in respect of such a proceeding as the present," when the law makes it an imperative duty for him according to ch. 88 of the consolidated statutes of Lower Canada, when also a law prior to confederation reminds him of that duty, which is made so evident by the famous act 31 Vict. ch. 39, that the ignorance of it is not excusable.

V. The minister of justice has examined the several allegations of the petition and reviewed certain facts with which the Bank is reproached. This intention was not only to see whether the arguments enumerated proved by themselves that the law had been violated, but also to enter upon the very merits of the case and thus encroach upon the province of the tribunal whose right and duty it was to judge the facts.

We shall follow him on that ground and it will be an easy matter for any one to convince himself that the accusations were sufficiently founded to authorize the attorney general to allow a prosecution for forfeiture of charter.

The Bank was accused of having, from the 2nd of January 1874 to the 19th of March 1881, habitually and constantly violated and transgressed the fundamental articles of the laws by which banks are governed, and especially its charter, of having made a bad use of its powers as a corporation, of having arrogated to itself functions which it was expressly forbidden to exercise, and of having assumed franchises and privileges which the law does not confer upon it. It had been guilty of these illegalities in the following manner.

1. By exacting constantly usurious rates of interest, exceeding seven per cent; that is to say a rate of interest or discount of eight and nine per cent and sometimes more.