except at the trial of the case of *Kemble* v. *McGarry*, when the trial Judge erred, and his ruling afterwards was corrected by the Queen's Bench, that place needed not be stated in the notice of action.

This is a large proposition, but no less true than large; and there cannot be one law for the *Martins*, the *Kembles*, the *Maddens* and the *Bettersworths*, and another one for the *Grants*. I shall not stultify myself by making a first departure from what has been ruled in the cases that I have referred to.

They control, and upon this part of the case I have to support the first plea of defendant.

But another objection in the same plea against the plaintiff's notice may not improperly be considered. It is this: that the notice does not set forth the name and residence of plaintiff's attorneys or agents giving it. Art. 22 C. P. orders as I have said before. Plaintiff's notice does not express the place of residence of his attorneys. Both in England and Ontario the plaintiff's notice would be held defective. See *Taylor* v. *Fenwick*, 7 D. & E.; and 6 Q. B. Rep. Ontario, p. 499; *Bates* v. *Walsh*. The practice in Quebec Province is well established, to give the name and address of the attorneys giving notice of action. I could cite many cases; and see Doutre's Proc. Civile, Vol 2.

Our Code meant to enact, as do the English Statutes, a strictness. It must be observed literally, and allows of no equivalent. (P. 417, Paley, on Convictions, 4th Ed.) *Osborne* v. *Gough*, 3 Bosanquet & Puller, is the case that some might call the best case for the plaintiff, but in that case the attorney signed *of* Birmingham. That case might have helped, had the plaintiff's attorneys signed "*of* Montreal," as they have *not* done. On this part of the case I am bound to say that the defendant's first plea has to be supported; so that upon *either one* of defendant's two objections, treated of, plaintiff's action must fail. This makes it unnecessary to go into the case any farther.

Before concluding, I make apology to the profession for having taken up so much time in pronouncing judgment in a case which might have been disposed of in a very short time; butI have wished to make things plain to unprofessional hearers. I might say more, but will abstain.

Doutre, Branchaud & McCord for plaintiff.

Roy, Q.C., and *Carter, Q.C.*, for defendant.

MONTREAL, Sept. 26, 1879.

BANK OF MONTREAL v. GEDDES et al.

Banking Act of 1871—*Authority of Bank to make loans on collateral security of C.P.R. Stock.*

This was an action brought by the Bank of Montreal, against ex-directors of the Montreal City Passenger Railway Company, to recover the amount of a loss sustained by the Bank on several loans made to Bond Brothers in 1876, on the collateral security of shares of the City Passenger Railway Company. The plaintiff alleged that the defendants, while directors of the City Passenger Railway Company, had made false reports and paid dividends in excess of the earnings, with a view to deceive the public and create an erroneous impression as to the value of the Company's property, and to raise the price of the stock; that the plaintiff had thereby been misled, and had made a loan to Bond Brothers to an amount much exceeding the intrinsic value of the stock, and had suffered loss in consequence.

The defendants demurred to the action, alleging, first, that the Bank could not, under the Banking Act of 1871, lawfully make a loan on the stock of the City Passenger Railway Company; and, secondly, that supposing such a loan could lawfully be made, the allegations of the declaration did not disclose sufficient grounds of action.

RAINVILLE, J., as to the right of the Bank to make the loans, considered that it would be preferable to adopt the opinion of Papineau, J., who had ruled in the case of *Geddes & Banque Jacques Cartier*, that Banks might make such loans, and to hold that the Bank had power to make the loans on City Passenger stock. Were he to maintain the demurrer on this ground, there would be an appeal, and the case might go to the Privy Council before any further proceeding could be taken in this Court. On the second point, there was no doubt that the allegations of the declaration were sufficient to permit the plaintiff to prove the publication of the reports, and that they were published with the intention of deceiving the public.

Demurrer dismissed.

Ritchie, Q.C., for plaintiff.

Lunn & Cramp, Carter, Q.C., Barnard, Q.C., Lacoste, Q.C., for defendants.