

In the Privy Council.

No. 43 of 1944.

43,1946 C.V.B.

ON APPEAL

FROM THE COURT OF KING'S BENCH FOR THE PROVINCE OF QUEBEC
(APPEAL SIDE).

BETWEEN

THE ATTORNEY-GENERAL OF CANADA (*Intervenant*) *Appellant*

AND

THE ATTORNEY-GENERAL OF THE PROVINCE OF
QUEBEC (*Plaintiff*) *Respondent*

AND BETWEEN

THE BANK OF MONTREAL (*Defendant*) *Appellant*

AND

THE ATTORNEY-GENERAL OF THE PROVINCE OF
QUEBEC (*Plaintiff*) *Respondent*

AND

THE ATTORNEYS-GENERAL OF SASKATCHEWAN,
ALBERTA and MANITOBA *Interveners.*
(Consolidated Appeals)

CASE FOR THE ATTORNEY-GENERAL OF CANADA

CASE FOR THE ATTORNEY-GENERAL OF QUEBEC

CASE FOR THE BANK OF MONTREAL

CASE FOR THE ATTORNEYS-GENERAL OF SASKATCHEWAN, ALBERTA & MANITOBA

RECORD OF PROCEEDINGS

Hearing
10th 11th 15th 16 July 1946

CHARLES RUSSELL & CO.,
37 Norfolk Street,
Strand, W.C.2.
for the Attorney-General of Canada.

BLAKE & REDDEN,
17 Victoria Street,
Westminster, S.W.1.
*for the Attorneys-General of Quebec,
Saskatchewan, Alberta & Manitoba.*

LAWRENCE JONES & CO.
Winchester House,
Old Broad Street,
E.C.2.
for the Bank of Montreal.

10th July 1946

Mtly & Insure v Bank

1st case Wright // 158th

2nd case Demerits

Hugh O'Donnell KC

LA Forsyth KC

WR Jarkett
for ag cau

L.H. Barson KC

for Bd of Members

Viscount Simon

Lords Wright

" Porter

" Liddell

Sir Lyman Russell

2.25 H.O'Donnell KC

1. Gloucester liability
of Banks ^{on Justice} to depositors

2. Provision for compensation
of depositors if the
declares them to be
vacant property

3. Impres liability on
Bank as regards to
deposits

Proff statute conflicts with
Dom Bank Act

Bank Act 24-25 for V C 24

Recs 4, 5, 75, 92, 114 ¹¹⁵

Lord Porter recs 14 & 16

Tennant v Min Bank

Ld. Beaulieu KC

Frank Galan

for ag Debtor

Frank Galan
for ag attn Sash
Mantle

3 for VI ch 28 (Tue) Rec 1469-70
Reads Pleatings

11th July 1946
2nd Day

2nd Day

10-30. O'Donnell contra

Judgments

1943 ac. 356 Alta Bell adjustment @ 369

Monday judgments case

Jesse Carter 1931 ac 111 (Tomlin)

JTR case 1907 ac
1943 @ 369

Alta Bell 1939 ac 117 @ 129
B&T

1943 SCR 370 Portman Mau v M of Finance

3rd day

18th July

O'Donnell contra
11 am.

Aley v Hill 2 HLC 128 E.R. 1848

Dist 1762 C.C

1777

1782

1778

1779

dealt with
"irregular reports"

11.35

Jessyth.

part. substance "Banking"
sh with pp 20 21 22. left argument at that.

~~11.40~~ ~~Conson~~

Other institutions in India besides Banks

- Trust Co's
- Investment Co's
- Savings Institutions

- (1) Property - C. rights not Bty
- (2) No conflict between Law & Bank Act

Maritime Bk Case 1892 AC 442
Case V.A.1 418

Citizens v Parsons 1887
Case V.A.1 278
280

7 A.C. 109

C. Code art 401 "Succession" art 596 "
636
684
687
2216
1205
1238-9.
~~2242~~

Mhicin in paper Reema P. 18-19

Simons Judge p. 18
p. 22 l. 44

Presumption

C.C. Bank Act 92(v)
{ 2242 Simon
2236 B'hen

Pror T of Mau cau v Mun Jernan
1943 SC 370 @ 380

Reciprocal Insurance Act
2 Case 346

1924 ac 345

Magry v Engumall
1 Case 647

1907 ac 467

3.55 Gahan

4.5 admission

VEZNA

TRÄHAN^v

K.B.

appellant

4th Pay
16/7/26

O'Donnell

10.30. in reply

11.30. CAV.