

a corporation must be made a party to the suit, although it has, in truth, not the least concern with the matter in dispute. Thus where the plaintiff claims a right to a sum of money deposited in a bank, or to certain shares of stock which stand on the books of the company in the name of the defendant who claims the deposit or the shares as his own, or as having an interest in it, or them, the body politic, it is held, must be made a party to prevent the deposit or the shares from being paid away, or transferred, before the right can be determined. This, with the vast concerns of the bank, the East India, and the South Sea companies of England, had become an evil of such magnitude, that the parliament of that country interposed, and declared by law, that in all such cases it should not be necessary to make them parties. (m) But why should not a similar exemption be extended to all our joint stock companies; and a mere notice of the pending litigation be declared equivalent to making them parties for every purpose of preventing the parting with a deposit, or the transferring of the shares of its stock until the right to it was fully decided.

All these embarrassments and delays might be removed or prevented by a few very obvious and easy alterations in the course of procedure in suits where the state is required to be represented by its Attorney-General, and against corporations. Let it be declared, that on proof of the service of a copy of the bill upon the Attorney-General in any case where the state should appear as a defendant, he may be compelled to answer, but not on oath, by process of attachment as against other persons. That on a *sub-pœna* being returned served, the plaintiffs may obtain an attachment against corporators so summoned, or that the plaintiff may have an order of publication against a foreign corporation; or have the bill taken *pro confesso* as against natural persons; or that he may, in the discretion of the court, have an immediate sequestration of the property of the corporation. That in all cases the chief officer or principal members of the body politic, who have a knowledge, or who are charged with having a knowledge of the facts stated in the bill, should make oath to the truth of its answer, as if it were their own, and be subject to the like penalties. And that it should not be necessary, in any case, to make an officer or member of the body politic a co-defendant for the sole purpose of obtaining an answer on oath. And also, that the court should be

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(m) 2 Mad. Pri. Chan. 191.