

that the creditor himself could not have recovered it back by action. The creditor had deposited money with the insolvent on the promise of large profits. An exposure of the latter's methods having been published in the newspapers, and having other reasons for suspicion, the creditor, by urgent demands, obtained payment the day before the insolvent absconded.

Held, that the creditor must be deemed to have known that his debtor was insolvent at the time of the payment.

Appeal allowed with costs.

Atwater, K.C., and *Chauvin*, for appellant. *C. H. Stephens*, K.C. and *A. Maillot*, for respondent.

Bench and Bar

JUDICIAL APPOINTMENTS.

Hon. Ezekiel McLeod, a judge of the Appeal Division of the Supreme Court of New Brunswick to be Chief Justice thereof with the title of Chief Justice of New Brunswick, vice Sir Frederick E. Barker, retired. (Jan. 10.)

W. C. H. Grimmer, K.C., of St. Stephen, New Brunswick, to be a judge of the Appeal Division of the Supreme Court of New Brunswick, vice Mr. Justice McLeod. (Jan. 10.)

Hon. W. C. H. Grimmer, a judge of the Appeal Division of the Supreme Court of New Brunswick to be a judge of the Chancery Division of said court. (Jan. 14.)

Flotsam and Jetsam.

The following is a "chestnut," but may perhaps be helpful as a reminder to some judge who might be tempted to forget himself. The counsel was Scotch and the judge was English. The case concerned certain water rights, and the lawyer had frequently to use the word "water," which he pronounced very broad.

"Mr. So-and-So," at last interrupted the judge, "do you spell water with two t's in your country?"

"Na, na, my lord," retorted the lawyer, "but we spell man-nera wi' twa n's!"