

bank, the burden is to shew it was authorized or ratified by the bank in the usual manner. The teller in this case was either acting for himself or for another, but he did not profess to act for the bank, while using monies of the bank. In *Shaw v. Railroad*, 101 U.S. 556, it was said: 'There was reason to believe K. (the thief) had no right to negotiate this bill. This falls very little, if any, short of knowledge. It may be fairly assumed that one who has reason to believe a fact exists, knows it exists. Certainly if he is a reasonable being.' Does one who gets what he knows to be a bank's money without giving the teller what is usual to give therefor, have reason to believe he is not getting it as he should get it? When a man of business, acquainted with all business usages, participates in such a transaction not once but repeatedly, and receives money in different sums month after month in this irregular manner until the taking amounts to nearly one hundred thousand dollars and all the while the matter is secret between the giver and the taker of the money, the giver speculating in margins, through the taker, and losing as he goes, it beggars credulity to affirm he had no suspicion that the teller was using the bank's money for his own use and profit."

RETIREMENTS FROM THE MANITOBA BENCH.

By the retirement of Mr. Justice Phippen some months ago and by Chief Justice Dubuc, a few days ago, Manitoba has lost two of her most efficient and trusty public servants. It is not surprising that new countries are so commonly blessed with men of ability and enterprise, for it is just that sort who find their way there. It was so when this country was first settled, and it is the same, though probably to a somewhat less marked degree, when new territories are developed in such a country from time to time. It is men of this kind who have been lost to the Province of Manitoba.

Mr. F. H. Phippen, K.C., who originally hailed from Belleville, was appointed direct from the Bar to the Manitoba Court of Appeal, which came into being on July 21st, 1906. Though his