

in due course of the cheque. The facts shew, however, that all the requirements of sec. 56 of our Bills of Exchange Act were fully complied with. The cheque was complete and regular on its face, was not overdue, had not been dishonoured; the bank took it in good faith and for value, and when it was negotiated the bank had no notice of any defect in the title of the person who negotiated it.

It was conceded that Chandler had a perfect right to indorse the cheque for the firm of Ross McRae & Chandler. It thereupon became payable to bearer, and, when handed over to the bank and placed to the credit of the new firm, the bank became the holder for value: *Ex p. Richdale*, 19 Ch. D. 409; *Royal Bank v. Tottenham*, [1894] 2 Q. B. 715; *Capital and Counties Bank v. Gordon*, [1903] A. C. at p. 245. . . .

It would not have been sufficient in this case that the Imperial Bank were guilty of negligence in dealing with the cheque as they did to enable the plaintiff to recover. It would be necessary for him to go further and to prove bad faith. The trial Judge, who saw and heard the witnesses, found that the good faith of Mr. Hay, the manager of the bank, was not only above suspicion, but that there was not any negligence. A careful reading of the evidence makes the same impression on my own mind. There appears to be nothing to suggest that Mr. Hay had any suspicion that anything was wrong or that he refrained on that account from asking questions or making further inquiry.

Appeal dismissed.

OSLER, J.A., not without doubt, agreed in the result, saying that it could not clearly be inferred from the evidence that the trial Judge's finding of good faith was wrong.

MEREDITH, J.A., also agreed in dismissing the appeal, giving written reasons.

MOSS, C.J.O., and GARROW, J.A., concurred.

OCTOBER 30TH, 1909.

LESLIE v. McKEOWN.

Negligence—Personal Injuries—Careless Driving — Findings of Jury—Evidence—Judge's Charge—Appeal.

Appeal by the defendant from the judgment at the trial in favour of the plaintiff, upon the findings of a jury, in an action