

taker got money 'supposed and expected to be monies of the bank' for no consideration whatever, and used it, knowingly, not for the bank's benefit. From beginning to end of this opinion only one authority is cited, to wit, that of *Merchant's Loan & Trust Co. v. Lawson*, 90 Ill. App. 18. That case shews that a bank teller was the apparent possessor of money, which he delivered to brokers not in the precincts of the bank but in the broker's office, conducting such transaction in the ordinary way that any other thief, or any honest man would have conducted it. In the Louisiana case the teller was ostensibly and simply the handler of money in the apparent possession of the bank, and recognized, as the court says, as 'monies of the bank.' Verily, is poverty of authority disclosed, when sole resort is to a case like that! There is no question here of money having no earmarks, for even the brief of defendant says: 'Of course, it is true, that one can no more rightfully receive from another money than any other property which one knows does not belong to that other.' It all comes done to the question whether or not one can take money from another which apparently belongs to a third party, when the extent of the other's apparent authority is known by the taker not to embrace such a transaction. The Supreme Court of Kansas, in *Hier v. Miller*, 75 Pac. 77, said: 'By placing an officer at the window to do its business, a bank publishes to the world that he is there to do its business, that he has no power to do any act outside the legitimate prosecution of the corporate enterprise, and that it will not be bound by any perversion of the corporate funds to his use.' In *Campbell v. Bank*, 51 Atl. 497, the New Jersey Supreme Court said: 'The test of the transaction is whether it is with the bank and in its business or with the cashier personally and in his business . . . Upon proof that it was known to the claimant to be an individual transaction and not one for the bank, the burden is cast upon the claimant to establish by proof that the act of the cashier, thus done for his own individual benefit, was authorized or ratified.' Why do not these principles control here, whether there was a real or fictitious party behind the teller? The principle is, that, if it is not a transaction for the