

being indebted to the bank, the latter claimed to set off the amount standing to his credit against his indebtedness; the action being brought by the trustees of the moneys in question to compel payment thereof by the bank, the courts of New Zealand gave judgment in favour of the plaintiffs; the Judicial Committee of the Privy Council, (Lords Watson, Hobhouse and Davey, and Sir R. Couch) however, reversed this decision, and dismissed the action, being of opinion that the evidence failed to show that the bank had any notice of the trust character of the funds. This is an instance of a successful appeal on a question of fact. The judge of first instance, while professing to give credit to the bank manager for "perfect honesty in his evidence," nevertheless, instead of accepting it according to its plain meaning, adopted what Lord Watson characterizes as "the dangerous course" of first assuming that his statement was an imperfect representation of his conversation with the trustee when the account was opened, and then building upon that assumption a series of speculations and conjectures, arising not out of, but outside, the evidence resulting in the conclusion of fact, that "the manager must have known, or have had strong reason to believe that the moneys referred to were not the moneys of the firm." And the Colonial Court of Appeal were thought also to have failed to appreciate the broad distinction between the relation of an agent to his principals, and his relation to his own bankers.

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The first election of benchers of the North-West Territories Law Society has just taken place. We are glad to see that an excellent selection has been made, and the names are a guarantee that the society will be well managed. They are as follows: East Assiniboia, E. L. Elwood, Moosomin; West Assiniboia, W. C. Hamilton, Q.C., and Norman McKenzie, Regina; North Alberta, N. D. Beck, Edmonton; South Alberta, C. C. McCaul, Q.C., J. A. Lougheed, Q.C., and Peter McCarthy, Q.C., Calgary; and C. F. Conybeare, Q.C., Lethbridge; Saskatchewan, James McKay, Q.C., Prince Albert.