

Messrs. Maybee & Wilson, dated the 29th September, 1913, in his favour, for \$1,245.77. This cheque was drawn upon the market branch of the Standard Bank, corner of King and West Market streets, Toronto. On the afternoon of the same day, about two o'clock, Boyd, having closed some trifling transaction in the office of the Harris Abattoir Company, the plaintiffs, in the St. Lawrence Market, and desiring to pay them a small balance, offered to give them Maybee & Wilson's cheque, receiving their cheque for the difference. Both parties regarded Maybee & Wilson as in good credit; so this was done, and Boyd endorsed the cheque in question to the abattoir company. The same afternoon, the abattoir company deposited this cheque, with others, to their own credit in the market branch of the Canadian Bank of Commerce. Neither Boyd nor the abattoir company heard anything more concerning the cheque until the 6th October, when they learned that the cheque had been dishonoured.

In the meantime, the cheque had many adventures. On the morning after the deposit, the 30th September, the cheque was taken by the main office of the Canadian Bank of Commerce, who had in the meantime received it from the branch, and in the process of clearing it was handed to the main office of the Standard Bank. The clerk of this main office took exception to the endorsement of the cheque, and immediately returned it to the Bank of Commerce, saying that the endorsement was irregular. The Bank of Commerce, as usual in cases of this kind, gave the messenger its cheque, and returned the cheque in question to its market branch. The cheque reached the market branch the following day, the 1st October. On that day, the market branch stamped the cheque "prior endorsements guaranteed by the Canadian Bank of Commerce, market branch, Toronto. T. A. Chisholm, manager." (The cheque had already been endorsed in the ordinary way on passing through the clearing-house.) The cheque was then returned to the head office, and on the 2nd October it was again put through the clearing-house. Thus, owing to the supposed irregularity in the endorsement, two days had been lost, as the cheque was on the morning of the 2nd in precisely the same position as it had been on the morning of the 30th.

The main office of the Standard Bank apparently took a day to transmit it to the branch, as it is said that it did not reach the branch until the morning of the 3rd. On the 3rd, the teller of the Standard Bank, market branch, found that there were not sufficient funds to pay the cheque, but he retained it until the 4th (a Saturday), when he returned it to the main office of the