

in place of the one upon which that man was already liable; so deliberately doing a most discreditable act in order not to better, but to make much worse, the legal position of the plaintiffs, one of the incorporated banks of Canada, in which he held the honourable position of one of its managers. If the finding of the trial Judge be true, one may, not unfairly, suggest that, perhaps, the mental capacity of this manager might reasonably have been inquired into. This point seems to have wholly escaped consideration by the trial Judge.

In the conflict of testimony between these two witnesses, the credit which the trial Judge gave to the witness Bradfield is not general, but is plainly limited to this only, that Graham did obtain in person the endorsement of the note in question by the defendant, a finding which standing alone is, of course quite immaterial. But let me point out some things in connection with this question of credibility which ought to have had, great weight, but do not seem to have had much, if any, at the trial. The witness Graham is not now in any way connected with the plaintiffs; and so is removed from any personal interest in the result of this action, such as his position as an officer of the plaintiffs might be supposed to give rise to. The witness Bradfield is the man who has brought the firm of R. H. Bradfield & Co., and some other businesses carried on by him in other names, to hopeless insolvency; and who, after doing so, conveyed to his wife property which was in his own name; and also procured an action to be brought in her mother's name against the defendant for several thousands of dollars, and has caused judgment to be recovered, and executions to be placed in the sheriff's hands, in it; all of which, whether right or wrong, quite fails to prove excessive zeal in the creditors' interests, on the part of the witness, who has got them so deeply in the mire of bad debts. And again, notwithstanding his strong assertions under oath of his father's steadily increasing mental incapacity, he admits that he himself procured the endorsement, by his father, of the later note in question. So that, unless he is a very dishonest and unscrupulous man, his father was capable of duly endorsing a note long after the first of the notes in question was obtained, and even quite recently capable of defending the action brought against him in his wife's name. I would have had much difficulty in looking at this man as a credible or dependable witness; for either in the witness box, or else in these transactions, he was not truthful and honest. And again the testimony to which the trial Judge refers to