

crossing. Their Lordships held that s. 274 did not apply to such a state of circumstances. As regards s. 276 it appeared by the evidence that a man on the tender of the engine which struck the plaintiff had shouted to him, and seeing that he paid no attention gave the engineer a signal to stop, which their Lordships considered a sufficient compliance with the section, and that a direction to the jury that the warning was not sufficient unless heard by the plaintiff was erroneous. The case is somewhat peculiar as being a judicial opinion on the law affecting the case after the action had in fact been compromised at the suggestion of the Committee.

BANKER—CROSSED CHEQUE—PAYMENT BY CHEQUE—OSTENSIBLE AUTHORITY—ESTOPPEL—BILLS OF EXCHANGE ACT, 1882 (45-46 VICT. c. 61), s. 79—(R.S.C. c. 119, ss. 171, 172).

*Meyer v. The Sze Hai Tong Banking Co.* (1913) A.C. 847. This was an appeal from the Supreme Court of the Straits Settlements. The plaintiffs were opium merchants carrying on business in Singapore, and one Abed was in their employment as collector and cashier, and by his direction certain cheques of customers drawn on the defendant bank and crossed generally were taken to the defendants' bank to be cashed. The defendants paid these cheques by handing to the bearer a cheque for the same amount drawn by defendants on another bank in favour of the plaintiffs or bearer. It was the duty of Abed to pay the money so received into the plaintiff's bank account, but in breach of his duty he paid the cheque received from the defendants' into his own account and misappropriated the proceeds; on three subsequent occasions similar transactions and misappropriations took place. On the evidence the Judicial Committee of the Privy Council (Lord Haldane, L.C., and Lords Shaw, De Villiers and Moulton and Sir Samuel Griffith) held that Abed had ostensible authority from the plaintiffs to receive payment by cheques, of the cheques belonging to the plaintiffs so presented. The question at issue was whether the defendants were liable to pay over again to the plaintiffs the moneys which had thus been misappropriated by Abed. The Chief Justice who tried the action dismissed it on the ground that the proximate and effective cause of the plaintiffs' loss was the fraud of their own cashier and not the payment of the cheques otherwise than through a banker, and that the damages claimed were too remote. The Supreme Court affirmed his judgment on the ground that