

that he had the conversation referred to with Mr. Brydges. This waste of our time, this confusion of the relevant and the irrelevant is manifestly attributable to the stenographic process, by which clatter goes down as evidence, to the enormous advantage of the stenographer, and to the disadvantage of everybody else. While we are winnowing the wheat from the chaff of all this so-called testimony, we are not only employed in useless labour, but we are really rendering ourselves unfit for the higher duties of the judicial office. As might be expected, this voluminous evidence is for the most part irrelevant. Beyond a few simple details which might have made the subject of admissions, the whole evidence about the affairs of the Mechanics Bank appears to me to be outside of the case. It is important to know when the Bank was in difficulties, and when it became insolvent, also when Mr. Molson paid the proceeds of the loan into the Bank, and when he changed the heading, and that by the failure of the Bank he became insolvent; but however generally edifying the information may be that numerous persons held what they were pleased to call trust stock, that Mr. Abbott and Mr. Molson had been on friendly terms, it really throws no light on the case. It would seem that the petitioner's object was to direct attention from his own acts to those of others. With these last we have nothing to do, nor are we called upon, I think, to express any opinion on the validity of the mortgage on the St. James street property. The facts we have to pass upon are, it seems to me, as follows:—

In January, 1875, Mr. Molson sought to obtain a loan of \$30,000 on the security of property standing in his own name in Great St. James street. On application to the Masson estate this loan was refused, the opinion of counsel being that the title of the applicant was defective. Mr. Molson then had recourse to the agent of the respondent, to whom it does not appear he communicated the difficulty that had been raised as to his title. But perhaps this fact is less significant than it would otherwise appear, inasmuch as it was the respondent's agent under whose advice the appellant had purchased the property in question from his father's estate. Nevertheless the fact is there, that appellant, knowing there was a question as to his title,

hypothecated the property as his own. This was on the 9th February, 1875, and the money received from the respondent he at once paid into his own account "in trust" in the Mechanics Bank. This money remained so deposited for some time, and then the heading was changed so that the money should appear to be the property of Mrs. Molson. The petitioner has explained by one of his witnesses that the object of this change was to put the money in the name of the parties to whom it belonged, and that it was pretended that by old Mr. Molson's will it belonged to Mrs. Molson. It has not been very clearly established when this change took place, but it was before the 9th of July, 1875 (p. 21). Very early in Sept., 1875, the whole of this money was chequed out by a single cheque (p. 3.) The Bank, which had been in serious difficulties in Feb., 1875, was much pressed in the month of June, and finally closed its doors on the 20th Sept., 1875 (p. 37). It was just before this suspension that Mr. Molson drew out the money (p. 19), probably between the 3rd of September and the suspension (p. 1). About the time of the suspension of the Bank, at all events in Sept. (pp. 19 and 23), Mr. George Varey, the confidential clerk of Mr. Molson, tells us he made the statement of his affairs (C) "for the purpose of aiding in the settlement between him (Molson) and the Mechanics Bank." Some days later he is re-examined by petitioner in order to establish that it was after the 25th of November. After the money had been chequed out by Mr. Molson, and before the stoppage of the Bank, the President, Mr. Brydges, questioned Mr. Molson as to this transaction, and it was then Mr. Molson, in explanation, told Mr. Brydges that "he had taken it (the money) out, and had put it away, and intended to keep it for his own purposes to keep him off the street" (p. 41). It is evidently necessary for the petitioner to show how this considerable sum of money, transferred from the Bank to his own pocket, has been made available for his creditors, if he would escape from the imputation of secreting. He has attempted to do this by the statement C, the date of the making of which has been so unsatisfactorily proved, if it be of any importance whether it was made in the end of September or in the end of November, 1875. But after giving this statement the