

in which he embarked the property of his wife either in her name or his own.

LORD WATSON—You admit this, that the amount due upon those notes by somebody to the bank exceeds considerably the value of the bank shares if they were realized.

Mr. Fullarton said that was so true that he could hardly dispute it.

LORD WATSON—The bank cashed those notes on the faith that the principal party in the matter was the lady.

Mr. Fullarton said they had no right to do so.

LORD WATSON—That is the question.

After some further argument.

Mr. Fullarton submitted that the Court of Appeal was quite right in saying that they were not satisfied that the monetary transactions of the husband were for the benefit of the wife, and that it was quite clear that the transfer of the account was not for her benefit.

Mr. Talbot followed on behalf of the respondents.

Mr. Blake was rising to reply, when Lord Watson said they would not call upon him again. Their lordships, he added, reserved their judgment.

The judgment of their lordships was delivered as follows :—

LORD HOBHOUSE :—

The plaintiffs, who are now respondents, are the testamentary executors of Madame Marie Hélène Jodoin, widow of Amable Jodoin *filis*. The suit is brought to recover from the defendant, now appellant, La Banque d'Hochelaga, 100 shares, of the par value of \$100 a share in that company, and also the dividends declared on the same shares since December, 1879. These shares were purchased in the name of the husband, Amable Jodoin, were transferred by him into the name of the wife, Marie Hélène Jodoin, and were appropriated and sold by the Bank to meet debts which they alleged to be due from both husband and wife.

The principal points of contention have been, first, whether as between husband and wife the shares were the property of the wife; and secondly, whether the wife could be made liable on certain promissory notes signed by the husband in his own name and also in her name as her *procureur* or attorney.

It is common ground that the husband was quite destitute of property when he married; that the wife had a large fortune,