and wife. It had been definitely decided by the Supreme Court of Canada that this doctrine did so apply, though the balance of authority in the English courts was the other way. As the Canadian case of *Stuart* v. *Bank of Montreal* was the most recent case on the subject, and was likely to come before the Privy Council on appeal, it was then anticipated that the question, whether a transaction between husband and wife, by which the husband benefited, could be set aside on the sole ground that the wife had not had independent legal advice, would have to be decided by the Judicial Committee. Any such decision would have gone very far towards settling the law on this question. From the point of view of scientific jurisprudence this judgment may be said to be disappointing, inasmuch as the appeal was decided on the view of the facts taken by the Judicial Committee, and the rule of law governing transactions between husband and wife with respect to the necessity for independent advice received much less discussion than it had received in the court below."

After referring to the facts of the case and the course of the litigation, the writer continues:—

"The case was thus decided eventually on the footing that, as a matter of fact, unfair advantage had been taken of, and undue influence had been exerted over, the respondent by her husband. The existence of any such rule as was formulated in *Cox* v. *Adams* and the present case by the Supreme Court of Canada, to the effect that mere absence of independent advice in itself and without more entitles a married woman to set aside transactions with or for the benefit of her husband, formed no part of the ratio decidendi. The question, therefore, whether the doctrine of *Huguenin* v. *Baseley* applies to the relation of husband and wife has not, as had been hoped might be the case, been formally decided by the Judicial Committee in *Bank of Montreal* v. *Stuart*.

Nevertheless, in addition to the strong expression of opinion against the correctness of the doctrine "supposed to be laid down in *Cox* v. *Adams*" and adopted in the present case by the Supreme Court of Canada, the judgment delivered by Lord Macnaghten distinctly proceeds on the footing that there is no such