ment or renunciation produced by female defendant with the said motion, and that under the holding in *Ducharme* v. *Etienne*, 1 Leg. News, 281, such a judgment and renunciation could not affect the right of the parties acquired anterior to the institution of the action *en séparation de biens*, and at all events plaintiffs should have full costs and costs of motion.

The Court gave judgment granting female defendant's motion without costs and without costs of motion.

Dunlop & Lyman for plaintiffs.
David & Laurendeau for defendant.
(F.S.L.)

SUPREME COURT OF CANADA.

Stock held in trust—Mandatary.—S. brought an action against the Bank of Montreal to recover the value of stock in the Montreal Rolling Mills Company, transferred to the Bank under the following circumstances;—S.'s money was originally sent out from England to J. R., at Montreal, to be invested in Canada for her. J. R. subscribed for a certain amount of stock in the Montreal Rolling Mills Company as follows: 'J. Rose, in trust,' without naming for whom, and paid for it with S.'s money. He sent over the certificate of stock to S., and subsequently paid her the dividends he received on the stock. Becoming indebted to the Bank of Montreal, R. transferred to the manager of the Bank, as security for his indebtedness, some 350 shares of the Montreal Rolling Mills Company, including the shares bought for S., and the transfer showed on its face that he held the latter shares 'in trust.' The Bank of Montreal then received the dividends credited by them to J. R. who paid them to S. J. R. subsequently became insolvent, and S. not receiving dividends sued the bank for an account.

Held, reversing the judgment of the Court of Queen's Bench, Montreal (Strong. J., dissenting), that there was sufficient to show that J. R. was acting as agent or mandatary of S., and the Bank of Montreal not having shown that J. R. had authority to sell or pledge the stock, S. was entitled to get an account from the Bank.—*Sweeney* v. *Bank of Montreal.*

W. H. Kerr, Q.C., for the Appellant.
Laflamme, Q.C., and *Robertson, Q. C.*, for the Respondent.

THE QUEEN v. *RIEL.*

[Continued from p. 400.]

Mr. Justice Taylor's conclusion is: "After "a critical examination of the evidence, I "find it impossible to come to any other con- "clusion than that at which the jury arrived. "The appellant is, beyond all doubt, a man "of inordinate vanity, excitable, irritable, "and impatient of contradiction. He seems "to have at times acted in an extraordinary "manner: to have said many strange things, "and to have entertained, or at least pro- "fessed to entertain, absurd views on reli- "gious and political subjects. But it all "stops far short of establishing such un- "soundness of mind as would render him "irresponsible, not accountable for his "actions. His course of conduct indeed "shows, in many ways, that the whole of "his apparently extraordinary conduct, his "claims to Divine inspiration and the pro- "phetic character, was only part of a cun- "ningly devised scheme to gain, and hold, "influence and power over the simple- "minded people around him, and to secure "personal immunity in the event of his ever "being called to account for his actions. He "seems to have had in view, while professing "to champion the interests of the Metis, the "securing of pecuniary advantage for him- "self."

And he adds, after reviewing the evidence: "Certainly the evidence entirely fails to "relieve the appellant from responsibility for "his conduct, if the rule laid down by the "judges in reply to a question put to them "by the House of Lords in MacNaghten's "case, 10 Cl. & Fin. 200, be the sound one."

Mr. Justice Killam says: "I have read "very carefully the report of the charge of "the Magistrate, and it appears to have been "so clearly put that the jury could have no "doubt of their duty in case they thought "the prisoner insane when he committed the "acts in question. They could not have "listened to that charge without understand- "ing fully that to bring in a verdict of guilty "was to declare emphatically their disbelief "in the insanity of the prisoner."

And again: "In my opinion, the evidence "was such that the jury would not have "been justified in any other verdict than