

the present one; a case free of all the sinister elements of imposition, deception, misrepresentation, pressure by threats, intimidation or any other sort of duress or undue influence, and where there was knowledge of what was required of the wife and an intention on her part to do it of her own free will and presenting only the one point of absence of independent advice."

If, however, we look, at this case and its surrounding circumstances simply from the view point of strict professional ethics, the path of safety would seem to be indicated as well by the words of Lord Macnaghten in the case before us as by those of Lord Davey in *Willis v. Barron* (1902) A.C. 283, where he says: "It is a sound observation that a wife usually has no solicitor of her own apart from her husband, and I think she is *prima facie* entitled to look to her husband's solicitor—the solicitor of her husband's family—for advice and assistance, until that solicitor repudiates the obligation to give such advice, and requires her to consult another gentleman." Lord Macnaghten's view of the course which should have been taken by the legal adviser in the case referred to of *Stuart v. Bank of Montreal* was, as he says in the conclusion of his judgment, that "he ought to have endeavoured to advise the wife and to place her position and the consequences of what she was doing fully and plainly before her. Probably, if not certainly, she would have rejected his intervention. And then he ought to have gone to the husband and insisted on the wife being separately advised, and, if that was an impossibility, owing to the implicit confidence which Mrs. Stuart reposed in her husband, he ought to have retired from the business altogether and told the bank why he did so."

Our English contemporary, the *Law Times*, also discusses the same subject at some length in the following article:—

"More than a year ago, in an article entitled *Status of a Married Woman* (128 L.T. Jour. 3), we discussed in these columns the question whether the doctrine of *Huguenin v. Baseley*, 14 Ves. 273, Wh. & T., applies to the relation of husband