

ground that they were so entered into by her without independent advice.

I. F. Hellmuth, K.C., and W. J. Elliott, for plaintiff.

G. F. Shepley, K.C., for defendants.

MABEE, J.:— . . . Mr. John Stuart, the plaintiff's husband, had for many years prior to 1896 occupied a very prominent position in financial and mercantile matters in Hamilton—he was the head of a large wholesale house, the president of the Bank of Hamilton, and connected with other corporations.

Prior to 1896 he had made large investments in the Maritime Sulphite Fibre Company, owning a pulp and paper mill at Chatham, N.B.; he was the president of the company, his only living son was the general manager, almost the whole of his available resources were invested in that company—the defendants were carrying the account, and more money was urgently required if there was to be any likelihood of the company being made a success. On 6th February, 1896, Mr. Stuart in a letter to the defendants says: "He (Mr. Lee, a fellow director), however, knows that the \$50,000 mentioned in the guarantee will not be sufficient to carry us through. . . . I shall find a surety to take his place. I explained to him, as to you, the pressing necessity for relief in money matters in Chatham during the next few days. . . . Mr. Lee will either sign the guarantee in a day or two, or agree with me for a substitute; in the latter case my wife will join me in the guarantee, and I now submit her name to you for that purpose. As I told you, her means are ample enough to secure payment for a much larger sum than we contemplate requiring now or in future. Pending the carrying out of these arrangements, I trust you will authorize your Chatham branch to pay the company's cheques for funds required as follows (then follows a statement amounting to \$7,500). I would prefer, as you will readily believe, not to ask this favour lest it should meet the fate of similar previous ones, but it is based upon the proposals above recited, and I trust you will have no doubt that my promise to complete one or other during the coming week will be kept."

On 7th February the general manager of the bank wrote saying the bank would advance \$4,250 of the \$7,500 asked,