

stance was a gentleman of such robust intellect and hard-headed common sense as Mr. Justice Mabee. He had the great advantage of seeing and hearing the parties in the case and the solicitor for the bank when they gave their evidence, and his judgment (see 17 O.L.R., at p. 442) is that "there is no element of fraud of any kind in the case. There was the utmost good faith by Mr. Stuart both towards the bank and the plaintiff throughout a long course of dealings in connection with this sulphite company, and so far as the evidence and correspondence discloses, the same upright dealings and good faith extend into all the business transactions had between the guarantors to the bank." It did not seem to occur to him that any fault could be found with the conduct of the solicitor who was also one of the guarantors to the bank, and he says at the close of his judgment (p. 446) that "there certainly are facts that point most strongly to the conclusion that the matter was discussed" between Mrs. Stuart, her family and her son-in-law, a practising solicitor in Hamilton, before she gave the first guarantee, although in the view he took of the case, he did not regard it necessary to decide the point.

Then when the case reaches the Court of Appeal we find judges (or we might say, ad hoc jurors) of such keen intelligence and scrupulous conscientiousness as Mr. Justice Osler and the Chief Justice of Ontario affirming the verdict of the trial judge in the strongest terms. The former says in his judgment at p. 445 of the report cited: "I think the evidence rebuts any inference that the plaintiff was acting under pressure or any undue influence exerted by her husband. She seems to be a person capable of making up her own mind and of forming and acting upon her own uncontrolled opinion. No fraud or deceit was practised upon her, and she understood the nature and effect of the documents she signed and their object."

This is strong enough, but the verdict of the learned Chief Justice is possibly even stronger. He says (p. 451 of the report cited) that "as far as disclosed by an examination of cases decided in the English courts no case has yet arisen similar to