

quotation or two from the judgment. First of all, we may refer to a synopsis of the facts, as they appeared, to Lord Macnaghten: "The action which has given rise to this appeal was brought by Mrs. Stuart, a married lady living with her husband the respondent John Stuart, against the Bank of Montreal with the object of setting aside a series of transactions in connection with a pulp and paper company known as the Maritime Sulphite Fibre Company, Limited, in which the wife became involved at the instance of her husband for his accommodation and for the accommodation and benefit of his associates. The company and its shareholders, who were only five in number, were at the time under heavy liabilities to the bank. Mr. Stuart himself had no available means. Everything he had was embarked or sunk in the company. The transactions in question began by Mr. Stuart, who was impecunious and strangely sanguine, offering his wife as security to the bank for some further advances which his associates, more solvent and less hopeful, were unwilling to guarantee. They ended in the transfer to the bank of everything Mrs. Stuart possessed, so that in 1904 she was, as the bank was informed by its solicitor, 'absolutely cleaned out.'"

The judgment goes on to say that: "The evidence is clear that in all these transactions Mrs. Stuart, who was a confirmed invalid, acted in passive obedience to her husband's directions. She had no will of her own. Nor had she any means of forming an independent judgment even if she had designed to do so."

It is, however, stated in the judgment, and it is sufficiently plain from all the facts and circumstances of the case, that Mrs. Stuart ("a lady of intelligence and refinement," as described by Mr. Justice Mabee, the trial judge) repudiated in the most express terms any notion of undue influence, pressure or misrepresentation and said that she had acted of her own free will, to relieve her husband in his distress, and "would have scorned to consult any one" in such emergency. But, in their Lordships' view these decisions merely shew how deep-rooted and how lasting the influence of her husband was. They proceed to

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