

*Cook*, 8 B. & C. 728, and *Wildes v. Dudlow*, 19 Eq. 198. So far as the Court of Appeal can settle the law, therefore, it is settled that a contract to indemnify is not within the statute.

MAINTENANCE OF ACTION—LIABILITY OF MAINTAINER—LIBEL AGAINST TWO—  
RIGHT OF ONE TO MAINTAIN ACTION BROUGHT BY THE OTHER—COMMON INTEREST.

*Alabaster v. Harness*, (1894) 2 Q.B. 897, was an action to recover damages against the defendant for having unlawfully maintained an action of libel brought by one Tibbetts against the plaintiff, which failed, and the costs of which the plaintiffs were unable to recover from Tibbetts. The libel in question was one which reflected on the character of the defendant as well as Tibbetts, but the defendant was not a party plaintiff, but carried on the action brought by Tibbetts. The defendant contended that the maintenance of the action brought by Tibbetts was not unlawful, on the ground that he had a common interest with him in bringing and prosecuting it. The defendant was the maker and seller of electric belts for the cure of diseases, and the libel in question had reflected upon the character and integrity of Dr. Tibbetts, who had certified to the value of the belts and apparatus sold by the defendant, and also on the defendant himself; but Hawkins, J., held that this did not give the defendant a common interest in the action of Tibbetts which would justify him in maintaining it, and he gave judgment against him for the plaintiff's costs of defence in that action as between party and party.

ALIMONY—HUSBAND'S INCOME—UNDRAWN PROFITS.

In *Hanbury v. Hanbury*, (1894) P. 315; 6 R. May 26, a question was raised as to the proper amount to be allowed by way of permanent alimony. It appeared that the husband was a member of a firm and was entitled to draw therefrom £200 per month in respect of his share of the profits, but could not draw any more without the consent of his partner. His share of the profits had for several years past amounted to £3,300 a year. The President allowed alimony on the basis of £3,300 being the husband's income, but the Court of Appeal (Lindley, Lopes, and Kay, L.JJ.) were of opinion that the alimony should be allowed on the basis of the husband's income being only £2,400.