

stock. New shares issued by such companies unconnected with any distribution of profits are capital in the hands of the former shareholders to whom they are allotted.

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ENGLISH CASES.

EDITORIAL REVIEW OF CURRENT ENGLISH DECISIONS.

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HUSBAND AND WIFE—SEPARATION DEED—INTERCOURSE WHILE LIVING APART—EVIDENCE .F.

In *Rowell v. Rowell* (1900) 1 Q.B. 9, the action was brought by a wife against her husband to recover arrears of weekly payments due under a separation deed. The defendant set up that the deed had been put an end to by the plaintiff's subsequent return to cohabitation with the defendant, and that having once been put an end to, it was absolutely at an end. The only evidence in support of this defence was the fact that the plaintiff, in the middle of 1897, yielded to the defendant's solicitations, and submitted to acts of intercourse on three or four occasions, whilst living apart from him; that the parties thereafter continued to live apart, and the payments were continued by the defendant, under the deed, up to January, 1898, and that neither party understood or intended by such acts of intercourse that cohabitation should be resumed. Grantham, J., who tried the action, gave judgment for the plaintiff, and the Court of Appeal (Lord Russell, C.J., and Smith and Williams, L.JJ.,) affirmed his decision, Lord Russell, however, expresses some hesitation, which does not appear to have been shared by the other members of the Court.

MALICIOUS PROSECUTION—CORPORATION, LIABILITY OF, TO ACTION FOR MALICIOUS PROSECUTION.

Cornford v. Carlton Bank (1900) 1 Q.B. 22, is reported, we presume, for the purpose of shewing that notwithstanding that Lord Bramwell said in the House of Lords, in *Abroth v. N.E. Ry. Co.*, 11 App. Cas. 247, "I am of opinion that no action for a malicious prosecution will lie against a corporation," the general consensus