

Appeal. The jury who tried the case found as a fact, that there was no trade dispute; but the Court of Appeal undertook to reverse this finding and, as their Lordships find, without sufficient grounds. There being in fact no trade dispute it followed as a matter of course that the matter was unaffected by the Act.

ACTION FOR MALICIOUS PROSECUTION—WANT OF REASONABLE AND PROBABLE CAUSE—ONUS PROBANDI.

Corea v. Peiris (1909) A.C. 549 was an appeal from Ceylon. The action was for malicious prosecution. The only evidence given by the plaintiff was that the charge had been made and failed. The Colonial Court of Appeal had set aside a judgment for the plaintiff, on the ground that the onus probandi of shewing malice, or want of reasonable and probable cause, was on the plaintiff and had not been discharged, and the Judicial Committee of the Privy Council (Lords Macnaghten, Atkinson and Collins and Sir A. Wilson) affirmed the decision.

WILL—CONSTRUCTION—DIRECTION TO ACCUMULATE DURING MINORITY—GIFT TO CHILDREN OF EQUAL SHARES IN RESIDUE.

Fulford v. Hardy (1909) A.C. 570 was an appeal from the Ontario Court of Appeal on the question of construction of the will of the late Senator Fulford whereby he gave to each of his children an equal share of the income of the whole of his residuary estate, subject to the provision "that until each child attains the age of twenty-five years what would have been his or her share is to accumulate and form part of my general estate." The Judicial Committee of the Privy Council (Lords Macnaghten, Dunedin and Collins and Sir A. Wilson) agreed with the court below, that during the conventional minority of the children, the accumulations of each share were to go to increase the residuary estate, of which each child was entitled to a share on attaining twenty-five, and not for the exclusive benefit of the respective shares.

VENDOR AND PURCHASER—DEPOSIT—FORFEITURE OF DEPOSIT—DEFAULT BY PURCHASER.

Sprague v. Booth (1909) A.C. 576 was an appeal from the Court of Appeal of Ontario affirming a judgment of Mabee, J. The action was brought to recover a deposit of purchase money which had been made in the following circumstances. The plain-