in his town, and then returns home, or goes on to the play or a ball, is not a "guest," and must, accordingly, frame his case irrespective of the fact that the place he visited was an inn.

The conclusion we must reach is that there are several nice points in this very everyday subject which, it may fairly be said, are as yet uncovered by decision, and remain of a very difficult and somewhat controversial nature. Each adviser will doubtless have, now and again, to make inferences which do not admit of rigid proof by precedent, or of support by *obiter dictum*. And there is, perhaps, an advantage in this state of things. For elasticity enables those who have to administer a law to adapt it the more readily to the modern requirements of the age.—*Law Times*.

BONUS DIVIDEND, WHETHER CAPITAL OR INCOME.

Turning to *Re Evans; Jones* v. *Evans* (107 L.T. Rep. 604)—that being the second case to which we are now calling attention—the distribution of a portion of the accumulated profits of a company among its shareholders, in the shape of a bonus dividend, led to the question there discussed: Was such a dividend to be treated as forming part of the income or of the capital of the trust estate of a deceased shareholder? In other words, was the tenant for life to be the recipient or the remaindermen? Mr. W. H. Gover, in his able Treatise on the Law of Capital and Income (2nd ed., p. 12), states with much conciseness, but none the less with absolute lucidity, the result of the various decisions that have from time to time been pronounced on this subject. It is a question of the intention that is manifested in each case. Thus, as the learned author points out, if a company resolves to divide its accumulated profits as dividends, any dividend so allotted in respect of settled shares belongs to the life-tenant as income, whether described as "bonus dividend" (*Re Northgate; Ellis* v. *Barfield*, 64 L.T. Rep. 625; (1891) W.N. 84), or "special bonus": (*Re Alsbury; Sugden* v. *Alsbury*, 63 L.T. Rep. 576; 45 Ch. Div. 237). On the other hand, if a company resolves to appropriate accumulated profits to