

of subordinating their authority to the ends and purposes of a trading company, it may be replied that the legislature does not seem to have anticipated any friction or jealousy between two bodies which might be expected to work together for the benefit of the public. The amending Act which repeals section 25 in the Act of 1892 expressly authorizes municipal corporations to take shares in the company and aid the company by bonus, loans or advances, or by guaranteeing the payment of bonds, or by granting it such privileges and exemptions as the council of any such municipal corporation might deem advisable.

Their lordships are of opinion that the respondents acted within their powers in opening St. Antoine Street, that the municipality were not justified in obstructing their works, and that the injunction was properly granted.

Their lordships will therefore humbly advise Her Majesty that the appeal ought to be dismissed. The appellants will pay the costs of this appeal.

Appeal dismissed.

Sir Edward Clarke, Q.C., Ethier, Q.C. (of the Montreal Bar), and *J. R. Paget*, for the appellant.

Haldane, Q.C., and *R. C. Smith* (of the Canadian Bar) for the respondents.

HOUSE OF LORDS.

LONDON, 16 July, 1897.

EARL RUSSELL (appellant) v. COUNTESS RUSSELL (respondent).
32 L.J.

Judicial separation—Cruelty.

Persistence by a wife in a charge against her husband that he has committed an unnatural offence, which has been disproved to the satisfaction of a jury, and in which the wife herself does not believe, is not legal cruelty such as to entitle the husband to a decree for judicial separation.

Decision of the Court of Appeal, 64 Law J. Rep. P. D. & A. 105; L. R. (1895) P. 315, affirmed by the majority of the House (Lord Watson, Lord Herschell, Lord Macnaghten, Lord Shand, and Lord Davey); the Lord Chancellor (Lord Halsbury), Lord Hobhouse, the Lord Chancellor of Ireland (Lord Ashbourne), and Lord Morris dissenting.