

DIGEST OF ENGLISH LAW REPORTS.

had been assigned prior to the seizure by a valid bill of sale. To an action for not levying under the writ, and for a false return, the sheriff pleaded *nulla bona*. *Held*, that the sheriff was not estopped by his return from proving that the goods seized did not belong to the debtor, and that an action for a false return would not lie unless actual damage had been caused to the plaintiff.—*Stimson v. Farnham*, L. R. 7 Q. B. 175.

SHIP.

Beans were shipped by the plaintiffs on the defendant's vessel to be carried under a bill of lading from Alexandria to Glasgow. At Liverpool the vessel was damaged by a collision (a peril excepted in the bill of lading) and the beans were saturated with salt-water. The vessel put into Liverpool, was repaired, and proceeded to Glasgow without drying the beans, which in consequence fermented and were much damaged. The beans might have been taken from the vessel, dried, and carried to Glasgow, and the shippers so requested, offering, also, to receive them at Liverpool, paying freight *pro rata*. If dried and reshipped the expense would have been particular average, payable by the shipper. Such drying and reshipping would have been reasonable and proper, if there was a legal duty on the master so to do. *Held*, that under the circumstances of the case it was the master's duty to dry and re-ship the beans, and that the ship-owners were therefore liable.—*Notara v. Henderson*, L. R. 7 Q. B. (Ex. Ch.) 225; s. c. L. R. 5 Q. B. 346; 5 Am. Law Rev. 79.

See GENERAL AVERAGE; INSURANCE; TRESPASS, 2.

SLANDER.

Action for slander in imputing adultery to the plaintiff whereby she was injured in her character and reputation, and became alienated from and deprived of the cohabitation of her husband, and lost and was deprived of the companionship and ceased to receive the hospitality of divers friends. On demurrer, *held*, that the alleged loss of hospitality was sufficient to sustain the declaration, and was such a consequence as might reasonably and naturally be expected to follow the use of such slanderous words. Also, that the real damage was to the wife, and would sustain an action by husband and wife.—*Davies v. Solomon*, L. R. 7 Q. B. 112.

SPECIAL PROPERTY.—See TRESPASS, 1.

STATUTE.—See NEGLIGENCE, 2.

STATUTE OF DISTRIBUTIONS.—See DISTRIBUTION.

STATUTE OF FRAUDS.—See FRAUDS, STATUTE OF

STATUTE OF LIMITATIONS.—See LIMITATIONS, STATUTE OF.

STOCK EXCHANGE.—See BROKER, 1.

SURETY.—See BILLS AND NOTES, 2, 3.

TENANCY IN COMMON.

A testatrix bequeathed a fund to her nephews and nieces to be divided among them *per stirpes*, the children of a deceased niece "taking between them only the equal share to which the said" niece would have been entitled. *Held*, that said children of the deceased niece took as tenants in common.—*Attorney-General v. Fletcher*, L. R. 13 Eq. 128.

TILLAGE.

In case any part of certain land was converted into "tillage," a tithe rent-charge became due. The owner of the land built a house thereon, and converted a part into garden ground, the remainder being orchard. *Held*, that the land was not converted into tillage, which is land used for agricultural purposes.—*Vigar v. Dudman*, L. R. 7 C. P. (Ex. Ch.) 72; s. c. L. R. 6 C. P. 470; 6 Am. Law Rev. 304.

TITHE.—See TILLAGE.

TRADER.—See BANKRUPTCY, 3; GOOD-WILL.

TRADE-MARK.—See DISCOVERY.

TRESPASS.

1. Action for an excessive distress for rent. The property distrained had been assigned to trustees in trust for the plaintiff's wife. It was left in the plaintiff's house and enjoyed by him. *Held*, that though the plaintiff was not the legal owner of the property, yet as he had a right of possession by consent of his wife and the trustee, he could maintain the action. *Fell v. Whittaker*, L. R. 7 Q. B. 120.

2. The plaintiff owned the soil under a lake open to public navigation. The defendant built from his land, bordering upon the lake, a pier running into the lake and supported by piles driven into the plaintiff's land. The plaintiff brought trespass against the defendant for causing people to pass and repass over said pier to and from the defendant's steamboats. *Held*, that the plaintiff must be considered to have claimed the pier as being built upon his own soil, and therefore was in the position of maintaining the pier to the obstruction of navigation, and that passing over the pier was therefore justifiable.—*Marshall v. Ullenwater Co.*, L. R. 7 Q. B. 166.

TRUST.

1. A testator directed the trustees under his will to sell his freehold estate at L. and his personal estate, immediately after his decease, or so soon thereafter as they should see fit to do. The personal estate included shares