

real estate, gave certain pecuniary legacies, and the residue to A. B. and C., their heirs and assigns, to be equally divided between said A. B. and C. C. died before the testator. *Held* (1) that the legacy to him lapsed; (2), that it went to the testator's next of kin, and not to the other residuary legatees; (3), that the testator's widow was not barred from claiming a share in it by accepting the provision in lieu of dower.

—*Hand v. Marcy*, 28 N. J. Eq. 59.

See *Charity*.

*Divorce*.—Fraud of wife, in not disclosing her pregnancy at the time of marriage, *held*, no cause of divorce.—*Long v. Long*, 77 N. C. 304.

*Drunkness*.—See *Insurance (Life)*, 2.

*Easement*.—See *Way*.

*Eminent Domain*.—Land which had been taken and used, under statutory authority, for a canal, may be used, under like authority, for a road, without additional compensation to the owner.—*Malone v. Toledo*, 28 Ohio St. 643.

*Shanklin v. Evansville*, 55 Ind. 240.—*Stoulinger v. Newark*, 28 N. J. Eq. 187, 446.

*Equity*.—See *Injunction*.

*Eviction*.—See *Landlord and Tenant*, 2.

*Evidence*.—1. Indictment for murder. To prove that the offence was murder in the first degree, the prosecution undertook to show that it was committed in attempting to commit rape. *Held*, that evidence that the prisoner had previously committed rape on another person was incompetent.—*State v. Lapage*, 57 N. H. 245.

2. Plaintiff employed defendants as stock-jobbers, and agreed that all transactions should be subject to the usages of their office. They bought stock for his account, and, on his failing to deposit the required "margin," sold it, without notice to him, at a loss; whereupon he sued them in trover. *Held*, that they might show that they acted according to the usages of their office. And a new trial was granted because such evidence had been excluded; but *quære* its weight or conclusiveness if admitted. —*Baker v. Drake*, 66 N. Y. 518.

3. On an indictment for murder, the prisoner contended that the killing was in self-defence. There was evidence that the deceased had followed the prisoner into a house which he had threatened to kill him if he visited, of which threats the prisoner had notice. *Held*, that evidence of other like threats, of which

the prisoner was not informed, was admissible to corroborate the former evidence, and to show *quo animo* the deceased entered the house. *Held*, also, that evidence of the violent and dangerous character of the deceased was admissible.—*State v. Turpin*, 77 N. C. 473.

4. The impeachment of the credit of a witness, by showing that he has made statements at other times contradictory to his testimony at the trial, does not lay a foundation for sustaining him by proof of his reputation for truth.—*Webb v. The State*, 29 Ohio St. 351.

5. In ejectment, the plaintiff claimed title under J. S., and offered in evidence a deed from J. S. to Rufus V., and a deed from Russell V. to the plaintiff's grantor. *Held*, that he could not show by parol that Russell and Rufus were the same person, and that the latter name was written in the deed by mistake [there being no evidence that Russell was otherwise known as Rufus].—*Pitts v. Brown*, 49 Vt. 86.

6. A lease was made of "the premises on the corner of A and B streets, recently occupied by J. S. The shops are not included." *Held*, that the lease did not necessarily pass the whole building on the corner, except the shops; and that whether a particular part passed as having been occupied by J. S. was a question for the jury, on which parol evidence was admissible. —*Alger v. Kennedy*, 49 Vt. 109.

7. On the trial of an indictment for adultery, the husband of the *particeps criminis* is a competent witness to prove circumstances which do not directly criminate, but tend to criminate, her.—*State v. Bridgman*, 49 Vt. 202.

8. In an action to recover personal property on the ground that defendant bought it of plaintiff, not intending to pay for it, evidence that defendant was engaged about the same time in like fraudulent transactions is admissible on the question of intent.—*Eastman v. Pre-mo*, 49 Vt. 355.

See *Carrier*, 2; *Damages*, 2; *Presumption*; *Tax*, 4; *Trial*, 2; *Witness*.

*Executor and Administrator*.—1. The purchase by an executor of the interest of a particular legatee is no fraud on the residuary legatees, and they cannot hold him to account for the profits he may make by such purchase.—*Hale v. Aaron*, 77 N. C. 371.