

DIGEST OF ENGLISH REPORTS.

3. A marriage settlement recited, that, by virtue of certain specified instruments, certain specified hereditaments, "and all other the free hold hereditaments in the county of Y., thereafter expressed to be appointed and released," were limited as the settlor should appoint; and that it was agreed that the several hereditaments and estates in the county of Y., "thereinafter mentioned and intended to be thereby conveyed," should be assured to the uses thereafter mentioned. The deed then contained an appointment and conveyance of the specified hereditaments mentioned in the recital and of all other the freehold hereditaments, if any, in the county of Y., or of to which the grantor was seized or entitled for an estate of inheritance." Held, that fee simple estate in Y., of which the settlor was seized, but which was not comprised in the specified instrument, and was not recited or mentioned in the conveyance, did not pass.—*Jenner v. Jenner*, Law Rep. 1 Eq. 361.

4. A conveyance contained a reservation to the grantor of "all mines or seams of coal, and other mines, metals, or minerals," within and under the land granted. Held, that "minerals" included freestone, but that the grantor could get it only by underground mining, and not in an open quarry.—*Bell v. Wilson*, Law Rep. 1 Ch. 303.

5. A deed attested by one witness, though executed in the presence of two persons who are parties to and execute the deed, is not executed in the presence of two or more witnesses within the meaning of the statute of mortmain.—*Wickham v. Marquis of Bath*, Law Rep. 1 Eq. 17.

DEVISE.—See WILL.

DIRECTORS.

See COMPANY.

DISCOVERY.—See PRODUCTION OF DOCUMENTS.

DISORDERLY HOUSE.

The master and mistress of a house resorted to for prostitution are guilty of keeping a disorderly house, though no disorderly conduct is perceptible from the exterior.—*The Queen v. Rice*, Law Rep. 1 C. C. 21.

DOMICIL.

One having no permanent place of abode "dwells" within the meaning of 9 and 10 Vict. c. 95, § 128, giving jurisdiction to the superior courts, at the place at which he may be temporarily residing.—*Alexander v. Jones*, Law Rep. 1 Ex. 133.

See BANKRUPTCY, 2; WILL, 3.

EJECTMENT.—See WILL, 7.

EMBEZZLEMENT.

One who by the inhabitants of a parish in vestry has been nominated and elected, and who afterwards by the warrant of two justices is appointed assistant overseer, and performs the duties of an overseer, is well described in an indictment for embezzlement as the servant of the inhabitants of the parish.—*The Queen v. Carpenter*, Law Rep. 1 C. C. 29.

EQUITY PLEADING.

1. A bill filed by one of the next of kin against the administrator for administration of the estate, and also seeking, as against other defendants, to set aside a deed whereby the plaintiff had assigned a part of his interest in the estate for their benefit, is multifarious.—*Bouck v. Bouck*, Law Rep. 2 Eq. 19.

2. Demurrer will lie to a bill called a cross-bill, if it is not really so.—*Moss v. Anglo-Egyptian Navigator Co.*, Law Rep. 1 Ch. 108.

3. The rule, that a decree must be enrolled before it can be pleaded to in bar of a second bill for the same matter, is not applicable to a case where the bill is filed to impeach a decree on the ground of fraud.—*Pearse v. Dobinson*, Law Rep. 1 Eq. 241.

See EXECUTOR DE SON TORT, 1; INTERROGATORIES, 4; PARTIES; RES ADJUDICATA.

EQUITY PRACTICE.

1. The clerk of records and writs may refuse to file an amended bill without reprint, if the amendments are numerous and complicated, though not exceeding two folios in any one place.—*John v. Lloyd*, Law Rep. 1 Ch. 64.

2. Leave to file a supplemental answer, to correct a mistake in the original answer, must be applied for by motion in court, and not by summons in chambers; and will not be granted, unless the court has materials so that it can judge for itself as to the existence of the alleged mistake.—*Charlton v. Treven*, Law Rep. 1 Eq. 238.

3. An order to sue *in forma pauperis*, obtained at any stage of the suit, is good through all later stages, including appeal.—*Drennan v. Andrew*, Law Rep. 1 Ch. 300.

4. Under a general order, which provides that no depositions taken in any other court shall be read unless by order, an order, of course, may be made to read proceedings in bankruptcy, including depositions.—*Lake v. Peisley*, Law Rep. 1 Eq. 173.

5. On an appeal from an order overruling a demurrer, and from the whole of the decree made at the hearing, the plaintiff is entitled to begin.—*Blackett v. Bates*, Law Rep. 1 Ch. 117.

(To be Continued.)