

DIGEST OF ENGLISH LAW REPORTS.

notice contemplated was such as might be reasonably supposed to reach A., and to give him an opportunity of complying with it within a reasonable time, and that, therefore, the seizure was not justified.—*Massey v. Sladen*, Law Rep. 4 Ex. 13.

See INTEREST, 2.

DEVISE.

1. Testator by will, made in 1865, gave to trustees certain land held by him on lease, and part of which he described as leasehold, on certain trusts. He also made a residuary devise and bequest of realty and personalty. After the date of the will, the fee of the said land was conveyed to him. *Held*, that this fee passed to the trustees.—*Cox v. Bennett*, Law Rep. 6 Eq. 422.

2. A testator directed his debts to be paid. He then gave pecuniary legacies, and gave all the residue and remainder of his real and personal estate to T. for her own use. *Held*, that though the testator's own real estate was charged with debts and legacies, the legal estate in property, of which he was mortgagee, passed under the residuary devise.—*In re Stevens's Will*, Law Rep. 6 Eq. 597.

3. By will made before the passing of the Wills Act, A. devised certain property to his grandson S., "and if he shall die without issue, that property shall return to the E. family; but if he lives to have children, he shall have power to make a will of it to his children." *Held*, that S. took an estate for life only, and not an estate tail by implication.—*Eastwood v. Avison*, Law Rep. 4 Ex. 141.

4. A testator devised three freehold houses to trustees, in trust, as to the first two, to receive the rents and pay the same to his wife during her widowhood, and on her death or marriage, as to the first, to convey the same to his "daughter A., her heirs and assigns for ever;" as to the second, in similar terms to his daughter B.; and as to the third, "on trust to apply the rents for the advancement and benefit of my grand-daughter C. till she attains twenty-one; but in case C. should die under that age, then I devise the said house to my daughters A. and B., their heirs and assigns as tenants in common." He then gave all the residue of his estate real and personal to other of his children. *Held*, that the trustees had the legal fee of the three houses; and that C. took the equitable fee in the third house, subject to defeasance, if she died under twenty-one.—*Cropton v. Davies*, Law Rep. 4 C. P. 159.

See CONVERSION; CROSS REMAINDERS; ILLEGITIMATE CHILDREN; LEGACY; PERPETUITY; POWER, 3; VESTED INTEREST; WILL, 5-7.

DISCOVERY—See PRODUCTION OF DOCUMENTS.

DIVORCE.

1. A decree absolute for a divorce was made, notwithstanding a suggestion supported by affidavits that the respondent and co-respondent were dead; the evidence not being sufficient for the court to determine whether they were dead or not.—*Dering v. Dering*, Law Rep. 1 P. & D. 531.

2. The "wilful neglect and misconduct" conducing to adultery, intended by 20 & 21 Vict. c. 85, s. 31, is not mere carelessness. To find a husband guilty of such misconduct, it must be shown that there was such intimacy between the wife and the co-respondent as to be distinctly dangerous, and that he actually knew so much of the intimacy as to perceive the danger, and that he either purposely or recklessly disregarded it, and forbore to interfere.—*Ib.*

3. The fact that a husband makes his wife an allowance in lieu of alimony while a divorce suit is pending, is not, of itself, evidence of collusion. But evidence that a husband had several interviews with his wife both before and after he presented a petition for dissolution, and gave her money, and urged her not to oppose the petition, and promised that he would do no harm to the co-respondent, and would be a friend to her when the petition was obtained, was *held* to prove collusion, the respondent and co-respondent not having been present at the hearing, and material facts showing that the petitioner had, by his conduct, conduced to the respondent's adultery having been withheld from the court.—*Barnes v. Barnes*, Law Rep. 1 P. & D. 505.

4. In a suit by a husband for dissolution of marriage on the ground of the wife's adultery, adultery was charged against the petitioner, and proved, and the petition was dismissed. Afterwards the husband brought another petition, charging his wife with adultery with another man. *Held*, that in this suit the decree in the former suit was evidence of the petitioner's adultery.—*Conradi v. Conradi*, Law Rep. 1 P. & D. 514.

See ALIMONY; INJUNCTION, 5; NULLITY OF MARRIAGE.