of her dead husband. This ruling seems to be more in consonance with our enlightened and humane views.

DEED—DELIVERY—RIGHT OF RECALL.—NOBLE V. TIPTIN ET AL., 76 N. E. 151 (ILL.).—*Held*, that where a grantor encloses a deed in an envelope and gives it to a custodian to be delivered after grantor's death unless recalled by him, there is no delivery of the deed, and it never becomes operative, although delivered by the custodian after the grantor's death.

In general, a deed delivered by the grantor to a third person with directions to have it handed over to the grantee immediately after his death is valid; *Latham v. Udell*, 38 Mich. 238; even though given to wife of grantor, and grantor expressed dissatisfaction with terms of same two days before his death. *Squires v. Summers*, 85 Ind. 252. But, if grantor does not part with control by act, word, or both, the subsequent delivery after his death is not valid. It was held in *Morse v. Slason*, 13 Vt. 296, that where a deed is delivered to one in trust for the grantee to take effect at the grantor's death unless he shall otherwise direct during his lifetime, and he dies without giving any further directions, the deed, at the death of the grantor, takes effect as his deed from the first delivery, it being said that a deed of this character was in the nature of a testamentary disposition of real estate and was revocable without any express reservation of that power. *Belden v. Carter*, 4 Am. Dec. 185. But the weight of authority is overwhelmingly to the effect that the grantor must loose control over the deed.

DIVORCE—COUNSEL FEES—ALLOWANCE TO WIFE.—DEAN V. DEAN, 96 N. Y. SUPP. 472. Plaintiff's wife had left him and having obtained a divorce valid in Ohio but void in New York, she married in Ohio. Under oath she denies charges of adultery and asks for counsel fees. *Held*, that the above facts are no bar to her right to counsel fees.

It is a well established rule that the court will make allowance to the wife for the prosecution of a divorce suit, whether the bill be filed by or against her. *Amos v. Amos*, 4 N. J. Eq. 171; *Ex parte King*, 27 Ala. 387; unless there is an undenied charge of adultery against her. *Bissell v. Bissell*, 3 How. Prac. 242. Emphasis is laid on the fact that the wife must not be wholly in the wrong. *Strong v. Strong*, 1 Abb. Prac. N. S. (N. Y.) 358; *Miller v. Miller*, 43 How. Prac. 125. So the case in hand presents an apparent contradiction to the principle in the case of *Munson v. Munson*, 60 Hun. (N. Y.) 189, where it was laid down upon good authority that a marriage in a foreign state where a valid divorce had been obtained, was ground for divorce on charge of adultery if in original domicile the divorce was void. In *Blake v. Blake*, 80 Ill. 523, it is shown that the allowance is largely within the discretion of the court. But if the wife cannot easily defray expenses the allowance must be made. *Douglas v. Douglas*, 13 Abb. Prac. (N. S.) 291. So too, the pecuniary condition was made a test in *Miller v. Miller*, 1 Wkly. N. Cas. 415.

EVIDENCE—OWNERSHIP OF PROPERTY—CONCLUSIONS.—HAWLEY V. BOND, 105 N. W. 464 (S. D.).—In an action to recover property levied on, alleged to belong to plaintiff and not to the judgment debtor, plaintiff was asked who was the owner at the time of the levy, over an objection that the question called for the witnesses' opinion, and not for a fact. *Held*, that the plaintiff was entitled to testify that the property was hers.