

**DESCRIPTION OF LAND—Continued.**

lands sold, and effectually defend himself in an action of ejectment, brought by the purchaser, or upon proceedings under the act of 1825, ch. 103, if the description of the land in the return was so far defective as to render it void for uncertainty. *Nelson et al. vs. Turner*, 73.

**DÉTINUE, ACTION OF.**

1. The action of detinue proceeds upon the ground of property in the plaintiff, at the time of action brought; and, therefore, the recovery in that action proves no more than that at the time of its institution, the right of property, either absolute or special, was in the plaintiff. *Hughes vs. Jones*, 178.

**DEVASTAVIT.**

See EXECUTOR, &c., 1.

**DÉVISEE.**

See EXECUTOR, &c., 1.

**DIVORCE.**

1. Jurisdiction in cases of application for divorces, was conferred upon the equity tribunals of this state by the act of 1841, ch. 262, to which two supplements have been passed, one in 1843, ch. 287, and the other in 1844, ch. 306. *Brown vs. Brown*, 316.
2. The 2d section of the act of 1841, authorizing the court to decree a divorce *a vinculo*, "where the party complained against has abandoned the party complaining, and has remained absent from the state for the space of five years." The act of 1844, repeals "all such parts of the 2d section of the original act as requires an absence from the state for five years," with a proviso that no such decree shall be passed on account of abandonment, unless such abandonment has continued, uninterruptedly, for at least three years, and is deliberate and final, and the separation of the parties beyond any reasonable expectation of reconciliation. **HELD—**  
That by the latter act, the legislature clearly intended to *abridge* the period of absence from the state required by the former, but that it is not clear that they intended to *dispense* with such absence altogether, as one of the ingredients constituting the ground for a divorce *a vinculo*. *Ib.*
3. By the 3d section of the act of 1841, a divorce, *a mensa et thoro*, may be granted for abandonment and desertion, without regard to its duration, or the absence of the party complained against from the state. *Ib.*
4. The parties in this case executed a deed of separation, by which provision was made for the support of the wife and children, and by which the parties mutually agreed, during their joint lives, to live separate and apart from each other. **HELD—**  
That by this deed, so long as the terms of it are complied with on the part of the husband, exonerates him from the obligation to support his wife, and is a protection against any claim which can be made upon him for supplying her even with necessaries. *Ib.*
5. That by this deed, the parties have placed themselves very much in the