

## The Legal News.

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### FOREIGN DIVORCE.

The Supreme Court of Illinois in *Roth v. Ehman*, has recognized the validity of a divorce obtained abroad, though the ground of the divorce was merely the absence of a formality which by the laws of Illinois (where the parties were married) was wholly unnecessary. Roth, a subject of Wurtemberg, came to America, and while residing in Illinois, married there a French subject. This marriage was void under the laws of Wurtemberg, because Roth had not obtained a license therefor from the sovereign of that country. Subsequently the consorts went to Wurtemberg and resided there, and during such residence proceedings were taken by Roth in Wurtemberg to have the marriage in Illinois declared null, on the ground that it was in violation of the laws of Wurtemberg. The case proceeded regularly, both parties appearing, and the decree of divorce was pronounced. Roth then married again. After his death his first wife claimed the estate by a suit in Illinois. The Supreme Court (two judges dissenting) held the foreign divorce to be valid, and maintained the pretensions of the second wife.

### RIPARIAN RIGHTS.

Several questions connected with the rights of riparian proprietors were recently discussed before the Supreme Court of Vermont, in the case of *Canfield v. Arthur*. Two mill-owners held lots on the same stream, one above the other. The questions that arose were, as to the right of the upper owner to divert the stream; to store or pond the water, and to discharge his saw-dust and waste into it. The law as laid down by the Court was, that the upper owner could divert the water on his own land by an artificial channel, if it was conducted back into its natural course, with reasonable care and prudence, before reaching the premises of the inferior proprietor, and he having received no appreciable injury; that there was no legal injury in storing and ponding the water, if it was detained only as long as was reasonably ne-

cessary; that while the upper owner can use the water in a proper and reasonable manner, yet he must respect the rights of riparian proprietors below him, and is limited in discharging into the stream his saw-dust and refuse, to what is absolutely and indispensably necessary for the beneficial use of the water.

### ENGLISH JUDGES.

The *Law Times* of London has gravely undertaken to contradict some newspaper gossip, to the effect that many of the English judges jump off the bench, mount a hack at Westminster Hall, and subsequently play lawn tennis until it is time to dress for dinner. According to the *Times*, judges on their appointment, however young in years they may be, become old in their habits. "Mr. Justice Chitty, on being made a judge, ostentatiously abandoned lawn tennis. Mr. Justice North abandoned his morning meerschaum down Oxford Street. They necessarily shrink into themselves. They hold little intercourse with the bar, and notwithstanding their youth the habits of age are forced upon them."

### A SKETCH OF THE CRIMINAL LAW.

[Conclusion, from p. 212.]

I will now make a few observations on the most important and characteristic of the definitions of each of the classes of offences which I have mentioned.

In the first place, I may observe upon these crimes in general that they are all classed as being either treason, felony, or misdemeanor. Treason is sometimes said to be a kind of felony.

Felonies were originally crimes, punishable with death and forfeiture of goods, though this definition is not rigorously exact. Petty larceny and mayhem, though felonies, were not capital crimes, and piracy, though capital, was not a felony. So misprision of treason was not a felony though it involved forfeiture. All other crimes were misdemeanors, the punishment for which at common law was fine, imprisonment, and whipping at the discretion of the court. The great alterations made in legal punishments have made this classification altogether unmeaning. Many misdemeanors are now liable by statute to punishments as serious as most felonies, and forfeiture of property as a punishment for crime was abolished in the year 1870. There