

The Legal News.

VOL. VII.

MAY 10, 1884.

No. 19.

REVOCATION OF PARDON.

Under this heading we noticed (Vol. VI., p. 49) a singular case which occurred in Ohio. A convict under sentence of imprisonment for life, obtained a pardon from Governor Foster on the faith of medical certificates declaring that he was in the last stages of a fatal disease. But by the time the man got home there was no trace of ailment left. The Governor, learning that he had been duped, revoked the pardon. The case was taken to the Supreme Court of Ohio, and the decision of that tribunal is now reported (*Knapp v. Thomas*). The Court holds "that a full, unconditional pardon, delivered, is irrevocable; and where a person imprisoned on a sentence for felony seeks a discharge by *habeas corpus*, based on such pardon, the pardon having been issued by the Governor pursuant to the constitution and statute, on the certificate of the physician to the penitentiary that the prisoner is in imminent danger of death, it is not competent in this State, under existing statutes, to impeach such pardon in such proceeding, by proof that the physician's certificate was obtained by false representations of the prisoner, and his fraudulent acts, with respect to his health, such representations having been made, and acts done, for the purpose of obtaining such certificate and such pardon."

EUSTON v. EUSTON.

The English papers contain a report of the trial in this case before the Probate, Divorce and Admiralty Division. It is described by the *Times* as "perhaps the most extraordinary case ever tried in the Divorce Court." The circumstances are certainly very peculiar, and if met with in a work of fiction would be pronounced very improbable. The petition was presented by the Earl of Euston, eldest son of the Duke of Grafton, for a declaration of nullity of marriage, on the ground that when he married the respondent

she had a husband living. The respondent was a courtesan known as "Kate Cooke," with whom the petitioner became acquainted in 1871. He was induced to marry her, and settled upon her £10,000 to which he was entitled on his own account. The union, naturally, was an unhappy one, and the consorts, after a good deal of discomfort, separated finally in 1875. Suspicion being aroused that the woman had a husband living at the time the marriage ceremony was performed between her and the Earl, inquiries were pursued under great difficulties, and it was ascertained at last that "Kate Cooke" had been married to one George Manby Smith in 1863, and that Smith was still alive. It was supposed that he had gone down in a ship which sailed from London for Australia, but the person drowned, it was proved, was named George Maslin Smith.

At this stage the case for annulling the marriage seemed to be complete, and suit was commenced. But never were solicitors more disappointed. The respondent, it is true, was forced to admit the identity of Smith, but it appeared that Smith, on his part, had a wife living at the time the ceremony of marriage was performed between him and "Kate Cooke." Therefore that marriage was invalid, and "Kate Cooke" was lawfully married to the nobleman who is now in the direct line of succession to the dukedom of Grafton. The petition was therefore dismissed.

NEW PUBLICATIONS.

PARTIES TO ACTIONS: THE LAW RESPECTING PARTIES TO ACTIONS, LEGAL AND EQUITABLE; by Horace Hawes, Counsellor at Law.—San Francisco; Messrs. Sumner Whitney & Co., Publishers.

This work, which is issued in the neat and convenient form of a pocket volume, purports to give the gist of the decisions of the courts upon the subject of Parties to Actions, as concisely as is consistent with a full presentation of the points decided, and by arrangement of the subject-matter and index, to place this information at the "finger-tips" of the lawyer. It is a work to be kept at the elbow of the busy practitioner, rather than