

Code, s. 512(a)) for that he did cruelly ill-treat, abuse and torture five cows by causing them to be over-stocked with milk. The defendant contended that the conviction was bad in that it was a conviction for five separate and distinct offences; but the Divisional Court (Lord Alverstone, C.J., and Darling and Bray, JJ.) affirmed the conviction on the ground that an act or omission affecting several animals may constitute an offence under the Act.

STATUTE—CONSTRUCTION—"AND" CONSTRUED "OR."

*Walker v. York* (1906) 1 K.B. 724 may be briefly noted as a case in which the Court (Ridley, Darling and Bray, JJ.) in construing a statute relating to highways, finding that the word "and" if literally construed made the section contradictory, held that it must be read as "or."

DIVORCE—JUDGMENT IN REM—FOREIGN COURT—DOMICIL—JURISDICTION—AMERICAN LAW—DECREE OF DIVORCE BY NEW YORK COURT.

*Bater v. Bater* (1906) P. 209 is a divorce case and deserves careful attention from the fact that it confirms the important distinction which exists between foreign judgments in rem and affecting status, and foreign judgments in personam, for while fraud in obtaining the latter may be successfully pleaded, yet it is held that it cannot be as regards the former class of judgments; and that so long as they are unimpeached in the foreign Court they must be recognized as binding, by international law, on the Courts of England. The parties concerned appear to have been an adulterous generation, and their notions of the sanctity of marriage were quite "up to date." Mr. and Mrs. Lowe were married in England; Mr. Lowe ill-treated Mrs. Lowe and Mrs. Lowe committed adultery with Mr. Bater, and then Mr. Lowe sued for a divorce in England, which was refused on the ground of his cruelty. Mr. Lowe then went off to New York where he acquired a domicile and lived in adultery; Mrs. Lowe continuing to live in England with Mr. Bater in adultery. After a little time Mrs. Lowe seems to have thought it would be nicer to marry Mr. Bater, so she set off for New York and instituted proceedings for divorce against Mr. Lowe, neither she nor Mr. Lowe thinking it worth while to mention to the Court her own transgressions with Mr. Bater. The suit was unopposed and the decree pronounced. Mrs. Lowe then went through the form of