



1936

## Alimony Limiting Law Ruled Constitutional

North Dakota Law Review Association Editors

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the party sought to be charged cannot be required to accept payment in any other manner or form than that agreed upon.

SYLLABUS: Appeal from the District Court of Sheridan County, Hon. R. G. McFarland, Judge. MODIFIED AND AFFIRMED. Opinion of the Court by Burr, J.

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#### ALIMONY LIMITING LAW RULED CONSTITUTIONAL

Estranged husbands and wives Saturday studied the Illinois supreme court's decision approving a law limiting alimony to ascertain how it would affect their cases.

The tribunal ruled Friday at Springfield that the Graham act—providing that a childless woman can claim alimony for only two years—was constitutional.

By the same 4 to 3 decision, the jurists also upheld the act's provision that two years of separate maintenance may be classed as legal desertion and used as grounds for a final divorce decree.—Associated Press.

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#### INSTITUTE MAKES PROGRESS IN TORTS RESTATEMENT

At the May meeting of the American Law Institute the Torts group is submitting for consideration and suggestions a substantial amount of material in the law of Deceit and Defamation. The interesting and difficult problems involved in both these thorny topics have been developed and dealt with as well as the group can do it without the further help which is brought by approaching from different points of view.

In the meantime, preliminary work goes forward into other parts of that conglomerate subject we call Torts. The next set of problems for consideration are those commonly known as "Slander of Title." The name is not a good one. It has just enough connection with the problems involved so that it is not wholly misleading. The conduct which may create liability upon a defendant is something like that involved in liability for slander. And the thing defendant does as a basis of liability is the speaking or writing of words, as in defamation cases. The injury of which the complainant complains is, in some cases under this head, something which casts doubt upon his "title" to land or chattel. But the scope of invasion of the plaintiff's interest is not limited to title cases and the rules which determine defendant's liability show only vague similarity with the rules determining liability for defamation. Labels in law or elsewhere have no intrinsic importance. We could pin a Greek letter to the various types of problems in the field of Torts as a means of classification and the device would work well enough if lawyers knew what was comprehended under each letter. The danger of an inaccurate label is that it may mislead one who relies upon the label instead of examining the product. This is as true in law as it is in the field of medicinal products.

The accurate description of the problem in which work is begun is found in the phrase "Language Which Invades Interests in Vendibility of Property and Other Interests." Perhaps from further thought upon the subject a title equally accurate and less ponderous can be found. The subject is less well known and less litigated than most of the questions involved in negligence and even libel and slander. There is comparatively little literature upon it. But it is practically important and apt to become increasingly so in an era where legal disputes have shifted from questions on land titles and the like to problems arising out of a complicated industrial and commercial society.