in making it. The conviction, therefore, is right, and must be affirmed.

GROVE, J., HUDDLESTON, B., MANISTY, J., and MATHEW, J., concurred.

THE NEW DIVORCE LAW IN FRANCE.

During the dark and the middle ages, and until the great social and political cataclysm of 1789, France, like all other Catholic countries, had no laws bearing upon divorce. Marriage not being regarded as a civil contract, could not be dissolved by any temporal power. The Pope alone had the power, not to decree a divorce, but to declare a marriage null and void *ab initio*.

This, with other beliefs and convictions consecrated by religion and time, was swept away by the revolutionary torrent of 1789.

Marriage, instead of a religious sacrament, was declared to be a civil contract; and in 1792 the first divorce law was passed. As might be supposed, in that era of lax morality, every facility was offered by the law for severing the marriage tie. In addition to all the more or less grave causes recognized by modern jurisprudence in the United States, divorces were granted for incompatibility of character, and by mutual consent. As the formalities necessary to obtain a divorce by mutual consent were of the extremest simplicity, and as in the case of incompatibility of character, a mere allegation by one of the parties was sufficient proof upon which to base a decree, divorces became excessively numerous, and the law was the occasion of scandalous abuses, and a *quasi*-authorized immorality.

When Napoleon had succeeded in consolidating his power upon an apparently solid basis, and when the revolutionary elements had been again relegated to the Faubourgs, and society had become re-organized, the necessity for a new divorce law became universally felt.

On the 31st March, 1803, a law on divorce was promulgated, on the whole moderate and just, the determinating causes of which were maintained in the case of a limited divorce (*séparation de corps et de biens*), when in 1816 the divorce law itself was abrogated, and which, with some modifications, has been re-enacted by the law of the 19th of July, 1884.

By the law of 1803 divorce was granted for the following causes:

1st. Adultery of the wife.

2nd. Adultery of the husband, when he introduced a concubine in the conjugal domicil.

3rd. Condemnation of either party of an infamous crime.

4th. Excesses, violence and extreme cruelty and injury.

5th. Mutual consent.

The last ground for a divorce was a concession to the supporters of the law of 1792, and the more radical element of the populace, but it was so hampered and restricted by the procedure to be followed, that in practice it was very difficult to accomplish.

The re-establishment of the monarchy necessarily led to the abrogation of the law upon divorce, and for more than sixty years no serious or lasting effort was made to revive it. Six years ago, however, M. Naquet began his active and energetic propaganda, and in spite of rebuffs, ridicule and the most strenuous opposition, persistently carried out his purpose, and on the 19th of July, 1884, the new divorce law was voted.

It is little more than the re-enactment of the divorce law of 1803, but there are two salient features in the new law, one of which evinces the higher esteem and respect accorded to women in France in the present age, and the tendency to constrain men to the same marital obligations and duties as women. The second ground upon which divorce may be obtained is simply for the adultery of the husband, the restriction when he keeps a concubine in the conjugal domicil being abrogated.

The clause authorizing divorce by mutual consent is also abolished, and in its stead the following new clause is inserted:

"When the divorce *a mensa et a thoro* (*séparation de corps et de biens*) shall have existed for three years, the judgment decreeing such separation may be converted into a judgment for an absolute divorce."

These are the only changes made by the new law. It is open to objections in many respects, and it is questionable whether all of