

that in all matters of controversy relative to property and civil rights, resort should be had to the English Laws, as the rule for the decision of the same. None of the ordinances saved by sec. 4 of this act, related to other than mercantile matters. Sec. 6 provides that "Nothing in this act shall vary or interfere with, or be construed to vary or interfere with any of the subsisting provisions respecting ecclesiastical rights or dues within this Province." See Con. Stats. U. C. cap. 9, preamble.

DIVORCES IN THE UNITED STATES.

It is almost impossible to conceive a more frightful picture of national depravity, than is pourtrayed in the following notice of a divorce case in one of the Western States. It is taken from a New York paper:—

"The 'easy divorce' business is being brought every day nearer and nearer perfection in the West. In Cincinnati, the other day, a man got a divorce without his wife's knowledge, upon a simple statement in his petition that she represented herself to be 32 years of age, at the time of her marriage, when she was in reality over 40, and that she was 'a common scold.' No papers were ever served upon her, and the necessary legal notice was published in a Price Current, or other paper of that class which no woman ever sees. Her character, too, was faultless, and she had a child 14 months old, and the sole apparent motive of the husband was the desire to marry another woman. In this case the attorney, in person, supplied whatever proof was needed to make out the case, and appears to belong to a class of 'divorce lawyers' who absolutely live by perjury and fraud. We have not as yet begun to see the effect on society of our present divorce laws, or of the moral condition of the legal condition of the legal profession in some of our large cities; but if something be not speedily done by way of reform, the next generation will both see them and feel them. It may not be expedient to make men live with women they do not like, but no society can with impunity suffer men to change their wives as often as they please, and leave their children unprovided for in the arms of those whom they abandon. Any community which, by its legislation, offers scoundrel facilities of this kind for their scoundrelism, deserves to suffer, and all friends of pure manners have the consolation of knowing that it will suffer. No good breed of men or women ever yet grew up in a country in which marriage was lightly dissolved. Men who shine in either war or peace have to be produced in homes, and homes rapidly disappear

in regions where husbands can get rid of their wives by paying fifty dollars to a knavish attorney. First the scamps do it, and then the honest men, being used to seeing it done by the scamps, lose their horror of it, and laugh over it, and finally they do it themselves, and the public ceases to look on it as a wrong, and then the children grow up to regard marriage as a simple mode of gratifying a temporary passion, and their mothers as simply the instruments of their physical procreation."

We may all be thankful that such a state of things could not happen in our midst. The indignant remarks which conclude the extract, come too late to be of much service where such a law has once been established, but not too late to act as warning to those who pin their faith upon the libertinism (falsely called freedom) of our neighbours to the south of us.

SELECTIONS.

TRIAL BY JURY.

(Continued from page 152.)

A word concerning trial by jury in the British colonies and dependencies. Some of them possess the system, others do not. Those which have it are, generally speaking, the most peaceful and flourishing, but the subject is too lengthy for more than a passing remark, on account of savage races of men being mixed up with the white inhabitants in questions concerning land, &c., as in New Zealand, the Cape of Good Hope, &c. The subject of trial by jury in foreign countries does not admit of detail on account of the limits prescribed to the essay. Neither does this branch of the question affect the arguments concerning the institution in Great Britain. The civil or Roman law, in fact, the institutes of Justinian, to this day, furnish the basis of legislation to continental Europe. In England, the protectorate of the common law has raised an impassable barrier to the invasive spirit of the civil or Roman law. Trial by jury, it is true, does exist in many European nations; but they have at the same time many other laws which take away from its value. In France, for example, the "*loi de suspect*" enables a man to be arrested, imprisoned, or transported, merely at the discretion of the authorities, if they *suspect* he may *intend* to commit any act, which they might not approve of. In Germany, Italy, the United States, &c., the violent agitation which led to the recent wars, produced many acts of lawlessness and oppression. It is useless, in a short essay like this, to allude to trials by jury in such countries. It is to be hoped that if peace continue, the inhabitants of these countries will seek to work out more carefully the principle of trial by jury, which is the "keystone of British liberty." It is true that in Great Britain and