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## A QUESTION OF PRACTICE.

The case of *Bowker Fertilizer Co. & Cameron*, noted in the present issue, settles a question that has frequently come up in the Superior Court, namely, where security for costs of suit is asked by motion, whether the motion must be made within four days after the return of the writ, or whether it suffices to give notice of the motion within four days. There has been some contrariety of opinion, but the majority of the judges have been disposed to make these formal proceedings expeditious in their nature, and have held that the motion must be presented within the four days, the same as if a dilatory exception were filed. If the defendant were behind time he simply lost a privilege which the law accords in a certain class of cases. The Court of Appeal, however, has ruled in favour of a more lax procedure. It is now held sufficient to give notice of motion within the four days following the return of the writ, and the motion may be presented subsequently.

## JUDGES AND PASSES.

The *American Law Review* for May-June, recurring to the subject of judges and railway passes, and quoting our remarks *ante*, p. 89, facetiously makes an exception in favor of Circuit judges in Virginia, and thinks that these ill-paid officers, "living on $1,600 a "year, are entitled to all the railroad passes "they can get." It is poor economy to appoint ill-paid judges, especially where no absolute saving is effected, but, as sometimes occurs, an amount that would amply remunerate a sufficient number is distributed among an excessive supply of officials. Perhaps the Circuit Judges of Virginia may find a crumb of comfort in the fact that a great deal of the best intellectual work that has been done in the world—literary and scientific at least, if not judicial—has been poorly rewarded. Their brethren in Belgium, moreover, are existing on equally small salaries (*ante*, p. 161).

On the general question of judges accepting railway passes we find public opinion in the United States becoming more active. A recent issue of *Harper's Weekly* says:—"Great journals now pay their own way. They know that the only judgments worthy of attention are those of live-heads, not of dead-heads. And it is equally true of judgments from the bench as from the press, of the vote of the legislator as of the word of the critic. The contemptible bribery of 'dead-heads' by free passes of every kind ought to be suppressed by the voice of respectable opinion. But at a time when the sense of pecuniary morality is so relaxed a reasonable and stringent law upon the subject would be very efficacious."

## FRENCH DIVORCE BILL.

Recent advices from France state that the Senate has adopted an amendment to the bill re-establishing divorce, permitting the wife to demand a divorce on the proof of adultery by the husband, even if the act is not committed under the conjugal roof. It rejected the amendment demanding that cruelty only shall constitute a case for separation, not for divorce.

A contemporary, referring to the proposed legislation, states that the provisions of the new French Divorce bill, if it passes the Senate as it left the Chamber, will constitute a great departure from the principle of indissolubility. To begin with, it sanctions divorce when either party to the marriage contract is guilty of infidelity. In the French Chamber the principle of treating sexes on a footing of equality in this matter was warmly defended by the majority, and carried on a division by a majority of 224 to 147. The bill allows either husband or wife to obtain a divorce for cause of (1) adultery, (2) cruelty, (3) serious insults, (4) a sentence of imprisonment for dishonesty or offences against public morals, (5) any ignominious punishment (*peine infamante*) other than banishment or degradation for political offences, (6) absence for a term of years. It also provided for divorces by mutual consent; but this provision was surrounded by many restrictions.

Any couple finding their married life insupportable, but not wishing to accuse each