

The Legal News.

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THE FRENCH DIVORCE ACT.

The new law, as our readers may have observed, has provided the courts with the semblance of a vast amount of work. Within a fortnight after the measure became law several thousand suits were set down on the cause list in Paris alone. The explanation of this is the fact that all couples who have been judicially separated for more than three years, can now have the decree made absolute as a divorce on a simple application from either of them. As there have been over a hundred thousand judicial separations in France during the last twenty years it is obvious that the number of parties qualified for divorce must be very large, but we presume that these cases will be disposed of without much delay or difficulty.

The law itself differs essentially from that which prevails in England. It goes even further than our own law, and makes it easier to obtain a divorce in France than it is to obtain a judicial separation in this Province. One of the leading features is that the infidelity of the husband is put on the same footing as the misbehaviour of the wife. Further, if a husband or wife is sentenced to a *peine infamante*, e. g., penal servitude or transportation, the consort has simply to prove the conviction in order to obtain a divorce. Besides the ordinary cases of cruelty, habitual drunkenness is now a ground of divorce. So, too, a wife has her remedy where her husband has been guilty of disgraceful conduct, such as cheating at cards, or the more vulgar offence of theft. But, as we have remarked, the law goes even further, and enacts that the fact of a husband or wife "habitually insulting the relatives of the other" is sufficient to support the claim of the aggrieved consort to a divorce. This clause, it is said, has been styled by the Parisians a law "for the protection of mothers-in-law," and it certainly makes that dreaded relative omnipotent to disturb and separate couples at her pleasure.

The procedure is to be that which has been followed hitherto in applications for judicial separation. No special court is created, but the cases are to be tried in the ordinary civil courts by three judges without a jury. Provision is made for an attempt at reconciliation. After a petition has been filed, the parties will be summoned before the presiding judge, who will endeavour to settle the conjugal difficulty, if the case admits of it, and he may even adjourn the hearing for a twelve month where it seems desirable. The provisions of the Act are in some respects so novel and extraordinary that it cannot fail to have an important influence upon society.

A QUESTION OF COSTS.

A case of *Ginger v. Beale* is reported in the *Times* (London) of Aug. 12, which exceeds almost anything we have heard in connection with fights for costs. Judgment was obtained against three parties on a bill of exchange. The plaintiff made a claim against Beale, one of them, for £5 10s. for costs, and the amount was disputed. The matter was carried in succession to the Master, then to a Judge in Chambers, then to another Judge in Chambers, and finally the Taxing Master struck off 5s. 8d. Mr. Beale's counsel then applied in the Queen's Bench Division for his costs, as he had succeeded on taxation. Questions of costs are proverbially perplexing, but the following extract from the report shows the spirit in which the English Court dealt with the difficulty:—

LORD COLERIDGE.—Succeeded after four appeals in striking off 5s. 8d.—something more than a shilling by each proceeding! Well, if there is an Act of Parliament which says that you must have your costs, why, then you shall have them, not otherwise.

MR. JUSTICE FIELD.—I offered to settle it at the time, and could have done so in two minutes. But your client insisted on taxation. I thought I had disposed of the case.

Mr. Pitt-Lewis appeared for the plaintiff, but The COURT, without hearing him, dismissed the application, and made the applicant pay all the costs.

COUNTY COURT JUDGES.

It appears that the rank and precedence of Judges of County Courts in England and Wales have not been declared or defined by due authority. To supply the omission a warrant has been issued, which appears in