

## THE FALLACY OF LOCAL TRIBUNALS—STATISTICS OF THE DIVORCE COURTS.

lations. So sprang up the notion of protecting one circuit as against another, of protecting elder members as against the juniors, and of protecting all from the contamination of attorneys. All this system is now decaying with such rapidity that it is wholly unnecessary to employ active means for its rapid annihilation. But the notice of local Bars attending local Courts is not only a child of the same family with the aged monster, but is infected by graver vices. What was formerly only felt twice a year and alleviated by the purer air of London practice, is now sought to be made perpetual without the means of finding any alternative. Multiplicity of practice, of traditions, even of law, would be hard to endure, but their mischief would be small in comparison with the gigantic evil of local Bars with a variety of rules of miscalled etiquette, and a host of precedents of conduct of questionable propriety.

There is yet a stand-point for our adversaries. They may point to France and to America. In the United States the Constitution rendered localisation of justice necessary, but not in the sense used in this country. Every State of the Union is sovereign—is, so to speak, for all purposes of internal economy, an Empire, and enjoys its own particular system of jurisprudence. Each State, therefore, must of necessity have its own judges and its own lawyers. The example of France serves the turn no better. Considering the very great ability and eloquence of the French Bar, any man must be struck with its want of power and position in the State. The first Emperor could afford to despise and insult the profession, and the existing Government takes no heed whatever of it in calculating the forces of friends and foes. The French Bar cannot furnish a member to the Bench; it even occupies a position of weak antagonism both to the Bench and the Executive. There may be many reasons for this state of things. But the great reason is that the Bar is not one homogeneous and consolidated body, able to concentrate its power in a given direction, but is split up by a system of local centres of justice into a number of associations. In England the Bar is an united body, and this fact is the chief element of its great and growing strength.—*Law Journal*.

## STATISTICS OF THE DIVORCE COURT.

If the Frenchman who believes that one of the eccentric peculiarities of Englishmen is the sale of their wives at Smithfield Market when they prove intractable were to air his curiosity in the Divorce Court at Westminster, he would probably after a few hours of attentive listening to the proceedings of the Court be satisfied that a much better mode had been discovered of settling matrimonial disputes in England. It might also dawn upon him that English wives are not wholly passive in the transaction, though how far they are active as petitioners to the Court the Blue-book renders no infor-

mation. Of the whole of the official returns these are the most meagre—indeed they are so defective as to be wholly valueless for the ordinary objects of statistics. The total number of petitions for judicial separation and for dissolution of marriage is given, but whether the petitioners were the husbands or the wives it has not been thought proper to state. However, we must bear these omissions and also many discrepancies philosophically, and accept what we can get. The number of proceedings for 1867 and for the previous year, as well as an average for the seven preceeding years, 1859–65 inclusive, have been given. A certain though slight improvement is perceivable in the business of the Court from year to year. In 1867, there were 321 petitions filed against 306 in the previous year, which shows an increase of 6 when compared with the average for the seven years. We will, before going further, proceed to analyse, as far as possible, the total for the former year. It will be needless to refer to the others, as each particular item of one year is merely an echo of the previous year. The petitions for dissolution of marriage in 1867, then, were 224, on which 119 decrees were made; for judicial separation 70, on which 11 decrees were made; and for the restitution of conjugal rights only 15. Entire dissolution of the Gordian knot, as revealed by these figures, is preferable to the mockery of a judicial separation. Innumerable private reasons of course may exist in many instances to urge the latter form of disunion, but it is well known that some of those who pursue the former plan, immediately on being cured thrust their fingers again into the fire, and not unfrequently discover that they have once more been burnt. There were 9 petitions filed for nullity of marriage, 1 for declaratory act, and 2 *in formâ pauperis*, which make up the total of 321. The remainder of the business of the Court shows a proportionate increase; for example, the number of petitions for alimony was in 1867, 95; in the preceeding year 86; and 77 was the average for the seven years. In the former year 466 citations were issued, and 676 summonses. The number of causes actually tried was 159 in 1867, of which number 127 were tried before the Judge-Ordinary on oral evidence, and the remainder before him and juries; 183 in 1867; and 231 is given as the usual average. Judgment was delivered by the Judge-Ordinary in the whole of the 159 cases brought to trial during last year, from which only 4 appeals were made to the full Court, and the absence of any to the House of Lords is remarkable. The revenue of the Court, like its business, experiences a small variation, but there is a decrease in that for 1867 on every year. The statements stand thus:—In 1867 the sum of 2,512*l.* 16*s.* was the amount of fees actually received, against 2,596*l.* 13*s.* in the previous year, and 2,582*l.* is given as the average of the amounts for the seven preceeding years.—*Law Journal*.