

are duly recorded by the clerk and signed by the parties.

This ends the proceedings *in camera*, which still partake of the patriarchal character, so inherent in French jurisprudence, which goes upon the assumption that the people at large are children, and ought to be treated as such.

The procès-verbal or statement thus signed is submitted to the court, which decides whether or not the petition for a divorce is admissible. Of course in the latter case the suit is dismissed, and the only remedy for the plaintiff is to appeal against the interlocutory judgment.

If, however, the libel or petition is admissible, the public and regular procedure commences.

Here the peculiar features incident to French divorce suits end, and the subsequent procedure is necessarily similar in its general characteristics to that of divorce suits in our own States.

The judgment, however, when rendered by the court does not *per se* dissolve the marriage. The law requires that the dissolution should be publicly pronounced by the civil officer (usually the mayor) of the domicile of the plaintiff.

The consequences resulting from a divorce are necessarily, on account of the subordinate position of the wife during marriage and the vested rights which children have in their parents' property, more serious and extensive than in the United States or England.

The marital power and authority accorded by the Code to the husband is destroyed, and the woman resumes her position and rights as a *feme sole*. Both parties have the privilege of re-marrying, with the exception that the party convicted of adultery cannot marry his or her accomplice, and the restriction that a woman cannot marry until ten months shall have elapsed since the judgment of divorce.

Should the children issue of the marriage be minors, they are entrusted to the care of the party in whose favor the divorce has been pronounced, unless a specific decree of the court order otherwise (C. C. 302.)

The right of the children to maintenance,

and the share accorded them in the estate of their father and mother by the Code, subsist and are unchanged by a divorce pronounced between their parents. As to the parties themselves, the property relations existing between them may be modified. Articles 299 and 300, C.C., deprive the party against whom the divorce has been pronounced of all privileges and advantages (from a pecuniary point of view) which he or she had acquired by marriage settlements, or gifts made during the marriage, whereas the party in whose favor the divorce was pronounced is entitled to all the benefits and advantages acquired by marriage settlements or otherwise, even though the stipulation existed that such benefits and advantages should be reciprocal.—*N. M. Grinnell in Albany Law J.*

GENERAL NOTES.

The desks used by the Queen's Counsel in the Chancery Courts in the Royal Courts are being made level, instead of sloping, as hitherto.

Mr. Justice Rainville, who, as the bar are aware, has suffered from ill health since the Long Vacation and has been unable to perform any judicial duty, recently returned to the city with health much improved. His Honor is about to pay a visit to Europe before resuming his judicial functions.

Mr. Justice Fry relieves his mind very freely in the late case of *Lvell v. Kennedy*, Chancery Division. "I have rarely come across a case," he says, "in which greater folly has been shown than that which has been manifested in the way in which this case has been conducted. There has been a competition of demerits on both sides; each has striven to use the practice and forms of the Court to the utmost for the purpose of aggravating and annoying the other, and they have each been successful to a considerable extent, and the result has been a most incredible waste of money, which will have ultimately to be borne by one or other or both of the parties."

Mr. Edmund Yates' appeal has been dismissed, and he has been consigned to Holloway prison, to undergo his sentence of four months' imprisonment for libel (7 L. N. 137.) A telegram, dated London, Jan. 19, says:—"Orders to the governor of Holloway prison took effect to-day in regard to Edmund Yates, the celebrated society editor. He is put on an allowance of half a pint of wine or one of malt liquor a day. Visits from friends must be arranged by the visiting magistrates, and he can receive only one newspaper daily. His letters will be regulated by the governor's orders. He is to take exercise by himself in the first-class misdemeanants' ground, to rise at half-past six and retire at a quarter past nine. Rules may be relaxed by the medical authorities if his health suffers from the prison treatment."