or who are of intemperate habits. He also says that the rate of descent and ascent must depend very much on the constitution and experience of the diver, about 2 feet a second for a strong man for depths not exceeding 80 feet, and for descending to greater depths additional care must be used. The greatest pressures to which men are subjected in engineering works are experienced in the compressed air cylinders used in bridge building (see article BRIDGE). At Saltash bridge it was found that the men could not work long shifts at the depth of 86 feet without serious inconvenience—some of them, after working seven hours, being slightly paralyzed, but in two or three days they quite recovered. With three hours' shifts the men could work for several months consecutively.

At Londonderry bridge, where the men wrought under a pressure of 75 feet, or about two atmospheres, Sir John Hawkshaw found that there was considerable difference in the relative ability of men to stand the pressure. He had found Irishmen less able to stand the work than Englishmen, one of the effects being that the joints began to swell. In other cases no evil resulted.

Captain Eads, the engineer of the St Louis bridge, built across the Mississippi in 1870, gives some interesting information, in his reports to the directors of the Illinois and St Louis Bridge Company, on the effect of working under high pressure on the men. The maximum depth to which the cylinders had to be sunk was 110½ feet below summer water level, and the greatest pressure under which the men worked was 50 or 51 lb on the square inch. When the depth of 60 feet had been reached some of the men were affected by paralysis of the lower limbs, which usually passed off in a day or two. At greater depths the symptoms were more severe. The duration of working in the air chamber was gradually shortened from four hours to one hour. The total number of men employed in working under pressure was 352, of whom 30 were seriously affected and 12 cases proved fatal. (D. S.)

DIVISION. See LOGIC.

DIVORCE is the dissolution of the relationship of marriage. Few social questions are surrounded with greater difficulty than this. For what causes divorce should be granted, and whether complete divorce should be granted at all in the sense of authorizing the spouses to contract new marriages, are points on which civilized societies have arrived at very different conclusions. Modern practice and opinion are to be traced mainly to two sources of principle, viz., Roman law and the Christian religion. The effect of the spread of Christianity was to reinvest marriage with the religious character from which in the later law of Rome it had completely escaped; and the history of divorce in modern times has been the gradual decay of the restrictions which were thought appropriate to the religious character of the institution of marriage. At the same time these restrictions have nowhere disappeared. The opinion of society visibly fluctuates between the belief that marriage is a civil contract only and the belief that it is a contract of a peculiarly sacred character, the dissolution of which must not be lightly, if at all, permitted by human legislation. Again, divorce appears to be regarded sometimes as a penalty against the offending spouse, sometimes as a right to which the innocent spouse is entitled. It will be granted only if a matrimonial offence is proved to have been committed, but it will not be granted if such an offence has been committed on both sides. Hence a certain amount of inconsistency in legislation about divorce, which is in no system more remarkable than in our own, founded as it is on the doctrines of the canon law, modified by the opinions of secular judges, and altered by Acts of Parliament.

In Roman law marriage was regarded as a voluntary union which might be terminated at any time by the consent of the parties. No legal process was required, although the abuse of the power of divorce was sometimes punished. If a wife had not passed under the *manus* of her husband, her father might withdraw her from the union against the wishes of both parties. A constitution of Antoninus Pius limited this power. Until the time of Justinian divorce by consent of both parties does not appear to have been subject to any restriction. Justinian, however, allowed it only in three specified cases, viz., for impotency, or when either party desired to enter on a monastic life or was for a long time in captivity. "At a later period Justinian enacted that persons dissolving a marriage by mutual consent should forfeit all their property and be confined for life to a monastery, which was to receive a third of the forfeited property, the remaining two-thirds going to the children of the marriage. This severity, so much at variance with the Roman spirit, indicates the growing power of the clergy (*ut non Dei judicium contemnatur*)." (Hunter's *Roman Law*, p. 500.) These prohibitions were repealed in the next reign. Divorce by the husband against the wish of his wife was a power much more likely to be abused than that of dissolving marriage by mutual consent. Although the legal right was recognized, it is said not to have been acted on for a period of 500 years, and Spurius Carvilius is said to have been the first who put away his wife for barrenness. Harshness in the exercise of the power was condemned by public opinion, and sometimes punished by the authority of censors. L. Antonius, a senator, was expelled from the senate for a harsh divorce of a young wife. The wife who had not come under the *manus* of the husband had the same power of repudiating the marriage at will. Later legislation curbed this excessive licence. By the lex Julia et Papia Poppæa, a husband divorcing a wife for adultery might retain one-sixth of her dowry; for any smaller offence, only one-eighth. When a husband was guilty of adultery he had to repay the dowry at once; if the fault were less serious, in six months. Constantine allowed the wife to divorce the husband in the following cases:—1, for murder; 2, for being a preparer of poison; 3, for violating tombs. Just causes for repudiation by the husband were—1, adultery; 2, preparing poisons; 3, being a procuress. A wife divorcing her husband for other than the specified grounds forfeited the dowry, and might be punished by deportation. Similarly a husband lost his interest in the dowry of his wife by an injurious divorce. Similar provisions are to be found in the legislation of Honorius and Theodorus (421 A.D.), of Theodosius and Valentinian (449 A.D.) Justinian settled the grounds of divorce as follows:—The wife could divorce her husband—1, for conspiracy against the empire; 2, attempting her life; 3, attempting to induce her to commit adultery; 4, wrongfully accusing her of adultery; 5, taking a paramour to his house or frequenting any other house in the same town with a paramour. On a divorce for these reasons a wife recovered her dowry, and obtained the husband's portion as well. If she divorced for other reasons she forfeited her dowry, and could not marry for five years, as in the legislation of Theodosius and Valentinian. So a husband might justly divorce his wife for—1, concealment of plots against the empire; 2, adultery; 3, attempting her husband's life, or concealing plots against him; 4, going to baths or banquets with other men; 5, remaining from home against her husband's wish; 6, going to circus, theatre, or amphitheatre against his wish. In such cases the husband retains the dowry for life, or if he has no children absolutely. In other cases penalties as fixed by previous legislation of Theodosius and Valentinian apply. The grounds for divorce specified in these various enactments are an interesting commentary on contemporary manners.

These experiments in divorce legislation display anxiety to regulate the relationship of marriage as a purely civil institution, with a view mainly to public decorum and the comfort of individuals. When marriage had manifestly failed it was no longer worth preserving, and it had failed when either of the parties showed a desire to withdraw from the alliance. At the same time an innocent party must be protected against the caprices of an unjust spouse, and such protection was sought by the device just described. It is a remarkable illustration of the Roman view of marriage that, in view of what must have been the great social evil of capricious divorce, the right of either party to dissolve the marriage was never successfully questioned. From the pure Roman to the canon law the change is great indeed. The ceremony becomes sacred, the tie indissoluble. Those whom God hath joined let not man put asunder, was the first text of the new law of marriage, and against such a prohibition social convenience and experience pleaded in vain. While marriage once created became indissoluble, the impediments to marriage also multiplied. The canon law annulled a marriage *ab initio* for causes which we should now consider wholly inadequate. The tie of consanguinity was extended to the eighth generation; and affinity, it was held, might be established by adulterous intercourse without marriage. The power of dispensing with canonical disabilities, and the power of annulling marriage on the ground of such disabilities, belonged to the church, and were important aids to its influence in society. In countries which have embraced the doctrines of the Reformation, a relaxation of the law of divorce has generally followed the changes of religion—whether immediately, as in Scotland, or indirectly, as in England. In Roman Catholic countries the theory of the canon law still rules.

The history of divorce in English law is particularly interesting. Down to the passing of the Divorce Act of 1858, the theory of the law of England was the same as the theory of the Roman Church. There were attempts during the period of the Reformation to introduce a greater licence of divorce, and in the *Reformatio Legum Ecclesiasticarum* (a code of ecclesiastical law projected by a royal commission, but never enacted) the leaders of the Reformation sanctioned principles which would even now be considered liberal. Divorce was to be granted for adultery, and the innocent spouse was to be permitted to marry again. Other grounds for divorce were specified, such as desertion and continued absence, and savageness of temper. Separation *a mensa et thoro* was to be superseded by this more complete remedy. And the more advanced Reformers advocated even greater liberty of divorce. The nature of their proposals, and the arguments by which they reconciled them with the language of Scripture, may be studied in Milton's tractate on the *Doctrine and Discipline of Divorce*, addressed to the Parliament of England. But the law remained unchanged. The constitution of marriages belonged to the jurisdiction of the ecclesiastical courts. The tie was indissoluble. The marriage, indeed, might be declared null and void in certain cases, *e.g.*, where the parties were within the prohibited degrees of consanguinity or affinity. This proceeding was not a dissolution of marriage so much as a declaration that no real marriage had taken place between the parties. Divorce *a mensa et thoro* was granted for adultery and cruelty. Here the marriage, being originally good, was not dissolved, but a separation was ordered either for a limited or an indefinite time. The spouses were not permitted to marry again. But while the law remained unchanged, the practice of granting complete divorces by private Acts of Parliament had come into existence. The legislature did in particular cases that which it refused to do by a general law. Two conditions were in general necessary to satisfy Parliament. 1st, A divorce a *mensa et thoro* had to be obtained from the ecclesiastical court. 2d, An action for damages had to be brought against the adulterer in the civil court for criminal conversation. The latter was not absolutely necessary, and appears to have been regarded as a safeguard against divorce being granted to persons who had connived at the acts of adultery, or had themselves been guilty of misconduct in the marriage state. The passing of these Acts through Parliament became a matter of as much formality as a proceeding in an ordinary law court. The two Houses passed standing orders on the subject, under which bills on divorce were argued before the law lords by professional advocates, and generally neither the House of Commons nor the lay lords interfered. By this characteristic evasion, the law of England completely changed its practice while still maintaining its ancient theory of divorce. Probably the anomalous character of the remedy might not have brought about a change but for the great practical evil of the expense attending the proceedings. Three suits—ecclesiastical, civil, and parliamentary—were necessary. Divorce became a remedy for the rich. The poor were driven to bigamy.[1] Yet it was not until 1857—and not then without determined resistance—that this disgraceful state of things was changed. A commission appointed in 1850 recommended the establishment of a regular court for divorce, and that divorce should be granted for the wife's adultery but not for the husband's unless aggravated by other offences. Bills constructed on these principles were introduced into Parliament, and successively abandoned or lost, until in 1857 the ministry of the day by great exertions carried the bill which is now the Act of 20 and 21 Vict. c. 85. Notwithstanding the hostility it excited, the bill proposed little more than a consolidation of jurisdictions; and proceedings in the Divorce Court have now, with few exceptions, the same object and result as the former proceedings in Parliament and in the civil and ecclesiastical courts. The action for damages for crim. con. is represented by the adulterer being made a party to the husband's suit. Full divorce is granted on the principles usually recognized by the House of Lords; and the other remedies are such as might formerly have been granted by the ecclesiastical court.

The following statement embraces the most important provisions of the Act:—

All jurisdiction in matters matrimonial (*i.e.*, in respect of divorces *a mensa et thoro*, suits of nullity of marriage, of jactitation of marriage, for restitution of conjugal rights, &c.), shall cease to be so exercisable, and shall in future be exercised by a new court, to be called the "Court for Divorce and Matrimonial Causes." The Lord Chancellor and other judges are named as members of this court, along with the judge of the new constituted Court of Probate, who is to be the judge ordinary of the new court. Divorce *a mensa et thoro* is under that name abolished, but a new remedy called judicial separation is introduced, which shall have the same effect, and such other legal effect as in the Act mentioned. This remedy may be obtained by either husband or wife, on the ground of adultery or cruelty, or desertion without cause for two years and upwards. At the same time it is provided that a wife deserted by her husband may apply to a police magistrate or justice of the peace for a protection order, by which her earnings and property acquired since the

[1] The satirical address of Mr Justice Maule to a poor man convicted of bigamy, in 1845, put the absurdities of the existing law in a way not likely to be forgotten. The prisoner's wife had robbed him and run away with another man. "You should have brought an action," he told him, "and obtained damages, which the other side would probably not have been able to pay, and you would have had to pay your own costs, perhaps a hundred or a hundred and fifty pounds. You should then have gone to the ecclesiastical courts, and obtained a divorce *a mensa et thoro*, and then to the House of Lords, where, having proved that these preliminaries had been complied with, you would have been enabled to marry again. The expense might amount to five or six hundred or perhaps a thousand pounds. You say you are a poor man. But I must tell you that there is not one law for the rich and another for the poor."

commencement of the desertion may be protected from her husband and his creditors, and belong to herself as if she were an unmarried woman. In all cases except dissolution of marriage, the divorce court shall act on "principles and rules which in the opinion of the said court shall be as nearly as may be conformable to the principles and rules on which the ecclesiastical courts have heretofore acted," subject of course to the rules and orders under the Act. Where a decree of separation has been obtained, in the absence of the husband or wife, as the case may be, it may be reversed on proper cause shown. In the case of judicial separation, the wife shall be treated in respect of any property she may acquire as if she were an unmarried woman; on her death it will descend as it would have done if her husband were dead; and should she again cohabit with her husband, any property she may be entitled to shall be held to her separate use, subject to any agreement she may have made with her husband when separated. So also a judicially separated wife should be treated as an unmarried woman for purposes of contract and in civil proceedings generally. The most important section of the Act is that under which a marriage may be dissolved. "It shall be lawful for any husband to present a petition to the said court praying that his marriage may be dissolved on the ground that his wife has since the celebration thereof been guilty of adultery; and it shall be lawful for any wife to present a petition to the said court, praying that her marriage may be dissolved, on the ground that since the celebration thereof her husband has been guilty of incestuous adultery, or of bigamy with adultery, or of rape, or of sodomy, or bestiality, or of adultery coupled with such cruelty as, without adultery, have entitled her to a divorce *a mensa et thoro*, or of adultery coupled with desertion without reasonable excuse for two years and upwards." Incestuous adultery includes adultery committed with a woman within the prohibited degrees of consanguinity and affinity. On a husband's petition for divorce the alleged adulterer must be made a co-respondent, unless the court permits otherwise, and one of the parties may insist on trial by jury. And the court is to take special care to satisfy itself, not only as to the fact alleged, but as to the existence of anything like connivance or condonation on the part of the petitioner; and it shall inquire at the same time into any counter charge made against the petitioner. When the court is not satisfied as to the facts, or finds connivance or condonation or collusion, the petition must be dismissed. If the court is satisfied on these points, a decree dissolving the marriage may be pronounced; but the court shall not be bound to produce such decree, if it finds that the petitioner has been guilty of adultery, or unreasonable delay in prosecuting the suit, or of cruelty, or desertion, or such neglect and misconduct as has conduced to the adultery. The court may decree the payment of alimony by the husband to the wife. The husband may in his petition claim damages against the co-respondent, and such claim shall be tried according to the same or like rules and regulations as actions for criminal conversation at common law, and the damages shall in all cases be ascertained by a jury; but the court has power to direct the application of the damages, in whole or part, to the benefit of the children of the marriage, or the maintenance of the wife. And the co-respondent, if the case is established against him, may be ordered to pay the whole or any part of the costs. In proceedings for judicial separation, or nullity or dissolution of marriage, the court may make interim or final orders as to the custody and maintenance of the children. Questions of fact may be tried before the court itself or a jury, or issues of fact may be directed by the common law court. Every petitioner in a case of judicial separation, nullity, dissolution, or jactitation of marriage, must file an affidavit verifying his petition, and stating that there has been no collusion. In any case of divorce or judicial separation for wife's adultery, the court may order the settlement of any property to which the wife may be entitled, for the benefit of the innocent party or the children of the marriage. Appeals may be made from the judge ordinary, within three months, to the full court, and from that court to the House of Lords. By the 57th section, after a dissolution of marriage, "it shall be lawful for the respective parties thereto to marry again, as if the prior marriage had been dissolved by death." Here follows a singular compromise, marking the conflict of opinions through which the Act had to pass. No clergyman of the United Church of England and Ireland shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any penalty for refusing to do so. But any minister of a church or chapel so refusing to solemnize the marriage of persons who would otherwise have been entitled to have the service performed in such church or chapel shall permit any other clergyman of the same diocese to perform such marriage in such church or chapel. The common law action for criminal conversation is abolished.

Acts amending the Divorce Act were passed in 1858, 1859, 1860, 1864, 1866, 1868, and 1873. The Amendment Act of 1859, by a most unhappily worded section, gives power to the court, after a decree of nullity or dissolution, to revise the marriage settlements, and apply the property to the benefit of the "children of the marriage or their respective parents." It has been held that the court has no power to alter settlements unless there are children of the marriage alive at the date of the order. This Act also makes husband and wife competent and compellable to give evidence touching cruelty or desertion in a wife's petition for dissolution of marriage.

The Act of 1860 contains the following important clause (§ 7). "Every decree for a divorce shall in the first instance be a decree, *nisi*, not to be made absolute till after the expiration of such time, not less than *three months* from the pronouncing thereof, as the court shall by general and special order from time to time direct, and during that period any person shall be at liberty to show cause why the said decree should not be made absolute, by reason of the same having been obtained by collusion, or by reason of material facts not having been brought before the court; and on cause being so shown, the court shall deal with the case by making the decree absolute, or by revising the decree *nisi*, or by requiring further inquiry or otherwise as justice may require; and at any time during the progress of the cause, or before the decree is made absolute, any person may give information to her Majesty's proctor of any matter material to the due decision of the case, who may thereupon take such steps as the attorney-general may deem necessary or expedient; and if from any such information or otherwise the said proctor shall suspect that any parties to the suit are, or have been, acting in collusion for the purpose of obtaining a divorce contrary to the justice of the case, he may, under the direction of the attorney general, and by leave of the court, intervene in the suit, alleging such case of collusion, and retain counsel and subpœna witnesses to prove it." This clause is a most important addition to the securities against collusive suits provided by the earlier Acts. The period of three months has been extended to six by the Act of 1866. These sections have been extended by the Act of 1873 to cases of nullity of marriage. The other provisions of the various amending Acts do not call for notice here.

One or two points in the above summary may be further explained. The greater favour shown to husbands' petitions for divorce than to wives' follows with tolerable closeness the principles on which the House of Lords acted in passing private bills. The reason why the adultery of the husband is considered a less serious offence than the adultery of the wife will be obvious to every one. As a matter of fact, wives' bills for divorce before Parliament were comparatively few, and some circumstance of aggravation was required. The first divorce granted to a wife by Parliament was in Addison's case in 1801, and the decision was mainly brought about by the masterly speech of Lord Thurlow. It may be added that Parliamentary bills for divorce were not common until the 18th century. After the accession of the house of Hanover they became frequent.

The right to a divorce or separation on any of the grounds mentioned may be avoided by conduct on the part of the petitioner amounting to what is called condonation, or forgiveness, *e.g.*, if after the offence complained of the parties resume cohabitation. But the offence condoned may be revived, that is, the original right to sue thereon may be restored by a repetition of the offence. Thus a new act of adultery will revive a condoned adultery. So with an act of cruelty. It was also held in the ecclesiastical courts, and appears to be the law, that cruelty would revive adultery, and *vice versa*. The question then arose whether an act of cruelty could revive an old condoned act of adultery, or *vice versa*, so that the two might be pleaded together by the wife in support of her petition for dissolution of marriage. The remedy may also be barred by the *connivance* of the petitioner, *i.e.*, his consent, express or implied, to the adultery of the spouse; and also by *collusion*, *i.e.*, a conspiracy between the parties, or between one of them and a third party, to obtain a sentence of divorce or separation. The mere fact that both parties desire the same end is not of itself collusion. But where they combine to bring about the offence, or to produce evidence from which the offence may be inferred, or to deceive the court by the suppression of material facts or otherwise, they are guilty of collusion. Recrimination under the old ecclesiastical law is where the respondent retorts by imputing to the petitioner conduct similar to

that complained of. He must come into court with clean hands, and if he has himself been guilty of adultery he cannot obtain a sentence against his wife for adultery. Recrimination ought strictly to be of an offence of the same nature as the one complained of; the petitioner is said to have *compensatio in eodem delicto*. But under the 31st section of the new Act above referred to, adultery, cruelty, unreasonable delay, desertion, and misconduct conducing to adultery are made discretionary bars to divorce,—that is, if they are proved, the court is not bound to pronounce the sentence of dissolution which would otherwise follow on proof of the respondent's adultery. In a recent case, where the respondent had previously obtained a decree of judicial separation on the ground of desertion, the husband's petition for dissolution of marriage on the ground of the wife's adultery was rejected by the court.

The matrimonial suits inherited by the Divorce Court from the old ecclesiastical courts are those for nullity of marriage, for restitution of conjugal rights, and for jactitation of marriage. These suits must be decided according to the principles of the canon law as administered in the English ecclesiastical courts. A marriage will be declared null *ab initio* when the requisites of a legal marriage have not been complied with. The alleged defect must have existed at the time of the celebration of the marriage. The formal requisites are (1) that the marriage should be celebrated in pursuance of a special licence, ordinary licence, publication of banns, superintendent-registrar's licence or certificate, in the presence of a person in holy orders, or a registrar; and (2) in a parish church or public chapel, or superintendent-registrar's office, or in some building registered for the solemnization of marriages, except when solemnized by special licence (see MARRIAGE.) These rules only apply to marriages in England, and a marriage is void only when the requisites are deficient, and known to both parties to be deficient, at the time of the ceremony. The two other requisites apply to all marriages, and if they are wanting the marriage is absolutely void:—(1), The marriage must be between single persons, not being within the prohibited degrees of consanguinity and affinity, and who are (2) consenting and of a sound mind, and able to perform the duties of matrimony. The "prohibited degrees" are those set forth in the common prayer book, and extend to illegitimate as well as legitimate relations. The ecclesiastical courts had been in the habit of annulling such marriages previous to the 5 and 6 Will. IV. c. 54, and until so annulled, in the lifetime of the parties, they were regarded as voidable only, and not void. That enactment, however, while ordering that marriages already celebrated "between persons within the prohibited degrees of affinity" shall not be annulled for that cause only by the ecclesiastical courts, goes on to declare that all marriages which shall thereafter "be celebrated between persons within the prohibited degrees of consanguinity and affinity shall be absolutely null and void to all intents and purposes whatever." As to the second requisite, fraud, force, or duress, showing the absence of consent, will make void the marriage. Insanity at the time of the marriage has the same effect. A marriage may also be annulled for bodily incapacity existing at the time of the marriage, and proved to be incurable.

In a petition for restitution of conjugal rights, the marriage must be proved, and it must be shown that the respondent has withdrawn without reasonable cause from cohabitation with the other spouse. The court can only order husband and wife to live under the same roof. The petitioner will be refused a decree for restitution if he has himself committed any matrimonial offence which would be a ground for judicial separation.

Jactitation of marriage is when "one party boasts or gives out that he is married to the other, whereby a common reputation of their marriage may ensue." Suits for jactitation are not now common. The only remedy of the court is to decree perpetual silence against the jactitator.

Scotch Law.—Divorce for adultery has been recognized in Scotland since the Reformation. It appears not to have been introduced by any statute, but to have been assumed by the post-Reformation judges as the common law. In another point the law of Scotland is in advance of the law of England. Divorce for adultery is competent to either spouse. Malicious desertion is also a ground for divorce. This was enacted by a statute of 1573, c. 55. A previous action of adherence was formerly necessary, but is now abolished by the Conjugal Rights Act 1861 *infra*. Recrimination is no bar to an action for divorce in Scotland, but any ground which would satisfy a decree of judicial separation would have been a defence to the old action for adherence. Judicial separation is granted for cruelty and adultery; the party injured by the adultery of the other spouse may choose either judicial separation or divorce. The cruelty required to justify judicial separation must, as in England, be of a somewhat aggravated character. Divorce in Scotland had the effect of remitting the parties to the status of unmarried persons. The law, however, made one exception. A divorced person was not allowed to marry the paramour, at all events if the paramour was named in the decree, and for this reason the name of the paramour is sometimes omitted, so that the parties may be allowed to marry if they wish.

By the Conjugal Rights (Scotland) Amendment Act 1861, provisions similar to those of the English Divorce Acts were established. A deserted wife may apply to the Court of Session for an order to protect any property which she has or may acquire by her own industry, or may succeed to; and such order of protection, when made and intimated, shall have the effect of a decree of separation *a mensa et thoro* in regard to the property rights and obligations of the husband and of the wife, and in regard to the wife's capacity to sue and be sued. When a wife obtains a decree of separation *a mensa et thoro*, all property she may acquire shall be considered as property belonging to her, in reference to which the husband's *jus mariti* and right of administration are excluded; she may dispose of it in all respects as if she were unmarried, and if she dies intestate it will pass to her heirs and representatives, as if her husband had been dead. A wife so separated shall be capable of entering into obligations, and of suing and being sued, as if she were not married, and the husband shall not be liable for her obligations, &c., except when separation aliment has been ordered to be paid to the wife, and remains unpaid, in which case he shall be liable for her necessaries. In a husband's action for adultery, the alleged adulterer may be cited as co-defender, and the expenses of process taxed as between agent and client may be charged upon him if the adultery is proved. The co-defender may be examined as a witness, and he may be dismissed from the cause, if the court is satisfied that such a course is conducive to the justice of the case. The Lord Advocate may enter appearance in any action of nullity of marriage or divorce. In any consistorial action, the summons shall be served personally on the defender when he is not resident in Scotland, but if the court is satisfied that he cannot be found, edictal citation will be sufficient, provided that the pursuer shall also serve the summons on the children and the next of kin of the defender other than the children, when they are known and resident within the United Kingdom, and they, whether they are cited or so resident or not, may appear and state defences to the action. By section 3 it shall not be necessary prior to any action of divorce to institute against the defender any action of adherence, nor to charge the defender to adhere to the pursuer, nor to denounce the defender, nor to apply to the presbytery of the bounds or any other judicature to admonish the defender to adhere. Proofs in consistorial actions are in future to be taken before the Lord Ordinary. Consistorial actions are defined in the Act as including actions of declaration of marriage, of nullity of marriage, and of legitimacy and bastardy, actions of separation *a mensa et thoro*, of divorce, and of adherence and of putting to silence, and actions of aliment between husband and wife instituted in the court of session.

United States.—The matrimonial law of England, as at the time of the declaration of independence, forms part of the common law of the United States. But as no ecclesiastical courts have ever existed there, the law must be considered to have been inoperative. There is no national jurisdiction in divorce, and though it is competent to Congress to authorize divorces in the Territories, still it appears that this subject like others is usually left to the territorial legislature. In the different States, as in England, divorces were at first granted by the legislatures, whether directly or by granting special authority to the tribunals to deal with particular cases. This practice has, it appears, fallen into general disrepute, and by the constitution of some States legislative divorces are expressly prohibited. Apart from such express prohibitions, it has been contended that legislative divorces are debarred by general clauses in the constitution of the United States, or in the constitution of particular States. Thus the con-

stitution of the United States says that no State shall pass a law impairing the obligation of contracts, and it has been argued that this clause prohibits legislative divorces. Bishop states that it "is settled law that legislative divorces are not invalid as impairing the obligation of contracts." Again, some States forbid their legislatures to pass any retrospective laws; and legislative divorce, it has been said, is of the nature of a retrospective statute, and authority on that point seems to be divided. Again, in some States it is contended that a legislative divorce is an infringement of the judicial power, and therefore unconstitutional. The judicial practice throughout the States is to confer jurisdiction in divorce on the courts of equity, to be administered in general accordance with the ordinary rules of equity practice. Each State of course determines for itself the causes for which divorce may be granted, and no general statement of the law can be made. In most States it appears to be allowed, not only for adultery, but for cruelty, wilful desertion, and habitual drunkenness. In New York divorce is allowed only for adultery; in South Carolina not for any cause; in some other States for causes to be determined by the court in the exercise of its discretion. South Carolina, says Bishop (*Marriage and Divorce*, 1873), is the only State in which no divorce, legislative or judicial, has ever for any cause been granted; and he quotes judicial testimony to show that the effect of this state of things is to bring about a partial recognition of concubinage. The proportion of his goods which a married man may leave to his concubine has in fact been fixed by statute. Among the less usual grounds for divorce which have been recognized in particular States, habitual drunkenness has been mentioned above, which has been defined to be a fixed habit of drinking to excess, to such a degree as to disqualify a person from attending to his business during the principal portion of the time usually devoted to business. In Kentucky the offence must be accompanied with a wasting of his estate, and without any suitable provision for the wife and children. Gross neglect of duty, and more particularly neglect or refusal to maintain his wife on the part of a husband having ability to do so, are in some States grounds of divorce. In New Hampshire, if either spouse joins a society believing the relation of husband and wife to be unlawful, and accordingly refuses cohabitation for three years, that is a sufficient ground of divorce, and "the Shakers" have been held to be such a society. In the same State "to be absent and not heard of" for three years is ground for divorce. Conviction for crime is a tolerably common ground. "Gross misbehaviour and wickedness," and "offering indignities to the wife so as to render her condition intolerable and her life burdensome," are also specified causes of divorce in some States. In Missouri and North Carolina it has been held under such a clause that a false accusation of adultery brought by the husband against the wife was a valid ground for divorce; and in Missouri, where the court subsequently held that the statute contemplated indignities to the person only, and not to the mind (as in the case of a false charge), the State legislature amended the statute by specifying as a cause for divorce "the offering such indignities to the other as to make his or her condition intolerable." The effect of this diversity of jurisdictions in producing a conflict of laws is noted below.

France.—Freedom of divorce was one of the short-lived results of the French Revolution. The code civil (1803) allowed divorce and judicial separation, although then the advocates of free divorce appear to have desired the exclusion of the latter remedy. The husband might demand divorce for adultery; the wife for adultery when the husband has kept his paramour in the conjugal residence. Either party might demand divorce for outrage, cruelty, or grave injuries (*excès, sévices, ou injures graves*), or on account of condemnation to an infamous punishment. Divorce by mutual consent was also allowed, but under close restrictions as to the age of the parties, the duration of the marriage, the consent of relations, the protection of the children, &c. No new marriage could be made by either party within three years of this divorce. Separation was also allowed as an alternative remedy, but not by consent. When sentence of separation has been pronounced against the wife for adultery, she shall be condemned, on the requisition of a public officer, to confinement in a house of correction for a period of not less than three months, and not more than two years. In 1816 the divorce clauses of the code civil were abolished, but judicial separation was retained. Subsequent attempts to restore freedom of divorce have been unsuccessful.

The law of divorce being thus different in different countries, while people are constantly moving from one country to another, there arises the juridical difficulty of the conflict of laws. A man born in one country, married in a second, and domiciled in a third, may there sue for a divorce on account of a matrimonial offence committed in a fourth. How is such a case to be decided, and what will be the effect of the decision in other countries than that in which it was pronounced? It is in the jurisprudence of England and Scotland, as Story points out, that such questions have been most satisfactorily discussed. On the Continent the prevalence of the canon law, and the indifference of domestic tribunals to the opinion of foreign countries, have made these questions of less importance than they have been with us. England and Scotland stand to each other legally in the relation of foreign countries, while socially and politically they are one country. On the fundamental question whether marriage can be dissolved or not they took, until the passing of the English Divorce Act, different sides. When an English marriage was brought before the Scotch courts on a matrimonial complaint, they dissolved the marriage, while the English courts after such a dissolution held that the marriage still subsisted in full force and effect. The House of Lords, which was at once the highest court of appeal in Scotch and in English law, may almost be said to have decided the same question in two different ways,—holding that by the Scotch law the dissolution was good for Scotland, and not denying that by the English law it was bad for England. The two cases on which this opposition of views was most distinctly brought out were Lolley's case (1 Russell and Ryan) and Warrender *v.* Warrender (2 Clark and Finnelly). In the former case a man was convicted for bigamy for marrying again after having had his English marriage dissolved by the Scotch courts for his wife's adultery. The latter was an appeal to the House of Lords from the Court of Session asserting jurisdiction to decree divorce from an English marriage, and in the result it was held that the House of Lords in a Scotch case was bound to administer the law of Scotland, and that by the law of Scotland the jurisdiction was well founded. But the judgment in Lolley's case was not overruled; and although English marriages are no longer indissoluble, it may be presumed that the principle of that case would be applied when an English marriage had been dissolved in a foreign country for an offence not recognized as a valid ground of divorce in England. The following more recent cases may be noted as illustrating the attitude of English law towards foreign divorces. When the marriage took place in England, but the parties never lived together, and the husband committed adultery, and afterwards by arrangement went to Scotland for the purpose of founding a jurisdiction against himself, and the Scotch court pronounced a decree of divorce,—it was held that a Scotch marriage duly celebrated between the divorced wife and an Englishman did not give to the children of the marriage the character of lawfully begotten so as to enable them to succeed to property in England. So when A, an Englishwoman, married B in Scotland, and was again married to him in Belgium, and afterwards a Belgian court pronounced a decree of divorce by mutual consent, it was held that A's subsequent marriage to C in England was null and void, and that the Scotch marriage was still valid and subsisting. Again, a petitioner whose original domicile was English, and who married in England, resided two years and a half in one of the United States, and then obtained a divorce from a competent court there for grounds recognized in England, but without personal notice to the husband, who had never been within the State, and whose domicile continued to be English; it was held that her re-marriage in America during the lifetime of her husband was invalid in England. Had the petitioner been legally domiciled in the State which granted the divorce it appears that the English courts could have recognized the decree. In this class of questions may be placed those which have arisen as to the jurisdiction of the court. Here four points are mentioned in the English text-books as material, viz., allegiance, the place of marriage, the place of domicile, and the place of the delictum (see DOMICILE.) The court

has asserted its jurisdiction in the following cases:—when the allegiance and the place of marriage were English, the *locus delicti* and domicile foreign; when the allegiance and domicile were English, and the *locus contractus et delicti* foreign. It has been held that the court can inquire into the validity of a marriage in England between foreigners domiciled abroad at the time of the marriage. And when the marriage had been solemnized between foreigners in a foreign country, and the wife committed adultery abroad, the court held itself entitled to dissolve the marriage on the petition of the husband then domiciled in England. And in an Irish case it was held that the domicile of the husband will sustain the jurisdiction of the court over the wife though married abroad, always after marriage resident abroad, and accused of adultery committed abroad.

Questions of this sort have frequently arisen in American jurisprudence. The different States are to each other in the matter of divorce as foreign countries. The learned writer to whom we have already referred (Bishop, *Marriage and Divorce*) formulates the following propositions:—1. The tribunals of a country have no jurisdiction in divorce, wherever the offence may have occurred, if neither of the parties has an actual *bona fide* domicile within its territory; 2. It is sufficient for one of the parties to be domiciled in the country; both need not be, neither need the citation where the domiciled party is plaintiff be served personally on the defendant, if such personal service cannot be made; 3. The place where the offence was committed is immaterial; 4. The domicile of the parties at the time of the offence is immaterial; 5. It is immaterial under what system of divorce laws the marriage was celebrated. The author holds that the foregoing doctrines are not in conflict with the United States constitution, but that they are made binding by that constitution on the tribunals of all the States. It has been pointed out, however, that the fourth proposition has been denied by the courts of Pennsylvania and New Hampshire, which hold that only the courts of that country where the parties were domiciled when the offence was committed have jurisdiction to dissolve marriage for such offence. Bishop finally holds that "if a court has jurisdiction in a divorce cause, valid according to the law of the State in which it is taken, and not obnoxious to principles of inter-State comity, and it pronounces a divorce, it is binding on all the other States of the Union. If there was the domicile necessary to give the jurisdiction, and the defendant appeared to the suit, then the judgment would be everywhere in our country of absolute force, both as to the status of marriage and as to alimony and other like property rights. If the plaintiff only had a domicile, and there was no notice to the defendant within the jurisdiction, then the decree could affect only the plaintiff's status of marriage."

(E. R.)

DIXMERIE, NICOLAS DE LA. See LA DIXMERIE.

DIXON, GEORGE (1755–1800?), an English navigator, born in 1755. He served under Captain Cook in his third expedition, during which he had an opportunity of learning the commercial capabilities of the north-west coast of America, and was thus prompted to the expedition in connection with which his own name is celebrated. After his return from Cook's expedition he became a captain in the royal navy. In 1785 he offered his services to the King George's Sound Company of London in making a minute exploration of the north-west coast of America. His offer having been accepted, he set sail in the autumn of that year in command of the "Queen Charlotte,"—a companion ship, the "King George," being under the command of Captain Portlock. The voyage resulted in the discovery of numerous small islands, ports, and bays, of which Queen Charlotte's Island, Port Mulgrave, Norfolk Bay, and Dixon's Archipelago may be named as the most important. From North America he sailed to China, where he disposed of his cargo. He returned to England in 1788. In the following year he published an account of his voyage, entitled *A Voyage round the World, but more particularly to the North-West Coast of America*, the bulk of which consists of descriptive letters by William Beresford, his supercargo. His own contribution to the work included valuable charts and appendices. In 1791 he published *The Navigator's Assistant*. He died about 1800.

DIZFUL, or DESFUL, formerly known as *Anda-el-Misk*, a town of Persia, in the province of Khuzistân, 36 miles north-west of Shuster, on the right bank of the Shat-el-Diz, or Abzal, a tributary of the Karun, and there crossed by a fine bridge of twenty arches, the lower part of which is of ancient workmanship. It is the principal market of the province, and lies in a fertile district, productive of oranges, lemons, and indigo. The whole vicinity is full of the remains of ancient canals and buildings, which afford conclusive proof of former importance; and Mr Layard identified the spot with the castle of Lethe, or Oblivion, in which Shapur imprisoned the Armenian monarch Arsaces II. The popular identification of the ruins to the east with Jundi Shapur he regarded as a mistake. Population about 15,000.

DMITRIEFF, IVAN IVANOVITCH (1760–1837), a Russian statesman and poet, was born at his father's estate in the government of Simbirsk. In consequence of the revolt of Pugacheff, the family had to flee to St Petersburg, and there Ivan was entered at the school of the Semenoff Guards, and afterwards obtained a post in the military service. On the accession of Paul to the imperial throne he quitted the army with the title of colonel; and his appointment as procurator for the senate was soon after renounced for the position of privy councillor. During the four years from 1810 to 1814 he served as minister of justice under the emperor Alexander; but at the close of this period he retired into private life, and though he lived more than twenty years, he never again took office, but occupied himself with his literary labours and the collection of books and works of art. In the matter of language he sided with Karamsin, and did good service by his own pen against the Old Slavonic party. His poems include songs, odes, satires, tales, epistles, &c., as well as the fables—partly original and partly translated from Fontaine, Florian, and Arnault — on which his fame chiefly rests. Several of his lyrics have become thoroughly popular from the readiness with which they can be sung; and a short dramatico-epic poem on Yermak, the Cossack conqueror of Siberia, is well known. His writings occupy three volumes in the first five editions; in the 6th (St Petersburg, 1823) there are only two. His memoirs, to which he devoted the last years of his life, were published at Moscow in 1866.

DMITROFF, a town of Russia, in the government of Moscow, 45 miles due north of the city of that name, in 56° 21′ N. lat. and 37° 31′ E. long., near the river Yakhroma, a sub-tributary of the Volga. Besides the Cathedral of the Assumption and Paraskeue, an ancient building originally erected as a nunnery, it possesses seven churches, a monastery, a hospital, an almshouse, and factories for the manufacture of silk, wool, and cotton. The inhabitants also cultivate market-gardens for Moscow, and carry on a moderate trade in grain. The existence of Dmitroff is due to the grand-duke George Vladimirovitch, who happening, during his exile from Kieff, to receive on the spot the news of the birth of his son Demetrius, celebrated the event by founding the city and assigning it as an apanage for his child. Demetrius continued in possession till he was himself called to the grand-ducal dignity in 1177. In 1304 the town was the seat of a

ducal diet; in 1656 it was visited by a terrible pestilence; and in the Polish-Lithuanian invasion it witnessed the defeat of Sapieha by Prince Ivan Karukin. Population in 1873, 8042.

DMITROVSK, a town of European Russia, in the government of Orel, near the Neruss, a sub-tributary of the Dnieper, about 57 miles south-west of the town of Orel, in 52° 30′ N. lat. and 35° 4′ 9″ E. long. It consists of about 700 wooden houses, has four churches and a hospital, manufactures soap, and deals in grain, hemp, linseed oil, and tallow. Dmitrovsk was founded by Demetrius Cantemir, the hospodar of Moldavia, who in 1711 received from Peter I. the district in which it stands in compensation for the loss he had sustained in Moldavia; and its first inhabitants consisted of Malo Russian and Wallachian immigrants. Population, 7600.

DNIEPER, the Borysthenes of the Greeks, Danapris of the Romans, Uzi of the Turks, Eksi of the Tatars, Elice of Visconti's map (1381), Lerene of Contarini (1437), and Luosen of Baptista of Genoa (1514), is one of the most important rivers of Europe, ranking after the Volga and the Danube. It belongs to Russia, and takes its rise in the government of Smolensk, in a swampy district at the foot of the Valdai Hills, not far from the sources of the Volga and the Dwina, in 55° 52′ N. lat. and 33° 41′ E. long. Its length is about 11,000 miles, and it drains an area of 242,000 square miles, which supports a population of upwards of twelve million inhabitants. In the first part of its course, which may be said to end at Dorogobush, it flows through an undulating country of Carboniferous formation; in the second it passes west to Orsha, south through the great fertile plain of Kisheneff and Chernigoff, and then south-east across the rocky steppe of the Ukraine to Ekaterinoslaff. About 45 miles south of this town it has to force its way across the same granitic offshoot of the Carpathian Mountains which interrupts the course of the Dniester and the Bug, and for a distance of about 40 miles rapid succeeds rapid. The whole fall of the river in that space is 155 feet,—the greatest of the ten distinctly marked rapids, that at Nenasitetz, having an average of 3 inches in every 50 feet, and the smallest, or the *Leshni Porog*, about 1⅝ths of an inch in the same distance. The river having got clear of the rocks continues south-west through the grassy plains of Kherson and Tauris, and enters the Black Sea by means of a considerable estuary in 46° 21′ N. lat. and 32° 20′ E. long. The navigation of the Dnieper extends as far up as Dorogobush, where the depth is about 12 feet, and rafts are floated down from the higher reaches. About the town of Smolensk the breadth is 455 feet, at the confluence of the Pripet 1400, and in some parts of the Ekaterinoslaff district as much as 7000. In the course above the rapids the channel varies very greatly in nature and depth, and it is not unfrequently interrupted by shallows, no fewer than 55 being counted in the Kieff government alone. The rapids, or *porogs*, form a serious obstacle to navigation; it is only for a few weeks, when the river is in flood, that they are passable, and even then the venture is not without risk, and can only be undertaken with the assistance of the special pilots, who to the number of 2000 or 3000 have established themselves at Lotmanskaya-Kamenka and other places in the neighbourhood. As early as 1732 an attempt was made to improve the channel, and extensive operations have since been carried on from time to time. A canal, which ultimately proved too small for use, was constructed at Nenasitetz in 1780 at private expense; blastings were employed in 1798 and 1799 at various parts by Generals Besh and Devolan; in 1805 a canal was formed at Kaindatzki, and the channel rectified at Sursk; by 1807 a new canal was completed at Nenasitetz; in 1833 a passage was cleared through the Starokaindatzki Porog; and in the period from 1843 to 1853 a whole series of ameliorations were effected. The result has been not only greatly to diminish the dangers of the natural channel, but also to furnish a series of artificial canals by which vessels can make their way when the water is too low in the river. Between 1852 and 1857, 277 vessels and 674 rafts passed the rapids annually; and only 4 of these vessels came to grief. Within recent years the water in the river has been unusually low, but it is expected that the draining of the Pinsk marshes may remedy the evil. Of the tributaries of the Dnieper the following are navigable,—the Berezina and the Pripet from the right, and the Merea and Sozh and the Borona and Desna from the left. In the upper parts of the river the fisheries are not of sufficient importance to constitute a separate occupation; but in the estuary they attract a large concourse of people from the neighbouring governments, and form almost the sole means of subsistence for the Swedish colonists. At Kieff the river is free from ice on an average 267 days in the year, at Ekaterinoslaff 274, and at Kherson from 280 to 285.

DNIESTER, the Tyras of the classical authors, and the Turla of the Turks, a river of south-eastern Europe belonging to the basin of the Black Sea. It takes its rise on the northern slope of the Carpathian Mountains in the Sambor circle of Galicia, and belongs for the first 330 miles of its course to Austrian, for the remaining 600 to Russian territory. In its excessive meandering it frequently almost returns to the same spot; for example, while the actual distance from Turunchuk to Mayakoff is about 33 miles, the development of the river would require about 133. At the same time, as the average fall is from 25 to 26 inches in the mile, the current in most parts even during low water is pretty rapid, the mean rate per hour being calculated at 8638 feet. The average width of the channel is from 560 to 700 feet, but in some places it attains as much as 1400 feet; the depth is various and changeable. The banks are usually about 3500 feet apart, but in certain reaches approach each other so as to leave room for nothing but the actual bed; their average height above the water in the Bessarabian portion is 350 feet. The principal interruption in the navigable portion of the river, besides the somewhat extensive shallows, is occasioned by a granitic spur from the Carpathians, and bears the name of the Yampolskie Porogi, or Yampol Rapids. For ordinary river-craft the passage of these rapids is rendered possible, but not free from danger, by a natural channel on the left side, and a larger and deeper artificial channel on the right; for steam-boats they form an insuperable barrier. The river falls into the sea by several shallow arms, of which the most important has a depth of only 2½ feet near its mouth; but the Turunchuk, an independent stream, disemboguing in the neighbourhood, has a depth of 7 or 8 feet, and is connected with the main channel of the Dniester by the Surovtzoff canal, so named after the merchant at whose expense it was constructed. There are two periodical floods in the river,—the first and greatest caused by the breaking up of the ice, and occurring in the latter part of February or in March; and the second, due to the melting of the snows of the Carpathians, and consequently taking place about June. The spring flood raises the level of the water 20 feet, and pours along so violent a current that large blocks of stone are drifted from their position; towards the mouth of the river gardens and vineyards are submerged, and the surface of the stream measures from four to six miles across. In some years the general state of the water is so low that navigation is possible only for three or four weeks, while in other years it is so high that navigation continues without interruption. Steamboat traffic was introduced in the lower reaches in 1840, when

the government vessel "Prince Vorontzoff" began to make regular trips between Ovidiopol and Akerman; and since that date it has acquired very considerable dimensions. The fisheries of the estuary are of some importance; and the lakes which are formed by the inundations of the valley furnish a valuable addition to the diet of the people in the shape of carp, pike, and tench. The principal towns on the river are Sambor, Khotin, Mohileff, Dubossari, Grigoriopol, Bender, Tiraspol, and Akerman; its tributaries are numerous, but not of individual importance.

DOAB, or Duab, or Doab, a name, like the Greek Mesopotamia, applicable, according to its derivation (*do*, two, and *ab*, river), to the stretch of country lying between any two rivers, as the Baree Doab between the Sutlej and the Ravee, or the Reechna Doab between the Ravee and the Chenab, but frequently employed, without any distinctive adjunct, as the proper name for the region between the Ganges and its great tributary the Jumna. In like manner the designation of Doab Canal is given to the artificial channel which breaks off from the Jumna near Fyzabad, and flows almost parallel with the river till it reunites with it at Delhi.

DOBELL, Sydney (1824–1874), a distinguished English poet, born on the 5th of April 1824 at Cranbrook, Kent, was sprung from an old Sussex family, noted for its staunch loyalty in the struggle between the Cavaliers and Roundheads. His father, John Dobell, who wrote a pamphlet on *Government*, was a wine merchant at Cheltenham; his mother was a daughter of Samuel Thompson, a famous political reformer. When Dobell was twelve years old, the family went to Gloucestershire; and the poet, ever after, with occasional breaks, kept up his connection with the district. He was educated privately, and never attended either school or university. He refers to this in some precocious lines, in imitation of Chaucer, dating from his eighteenth year. In 1844 he married Emily Fordham, a lady of an old county family in Cambridgeshire. Cheltenham was, for the most part, his home in those early years, as his father's business had to be carried on; but the summer was often spent in the country. During this period his poetic vein flowed freely. He wrote a number of minor poems instinct with a passionate desire for political reform. *The Roman* was also in progress, and was written mainly among the Cotswolds. It appeared in 1850, under the *nom de plume* of Sydney Yendys. Next year he travelled through Switzerland with his wife; and, after his return, he formed friendships with Robert Browning, Philip Bailey, George Macdonald, Emanuel Deutsch, Lord Houghton, Ruskin, Holman Hunt, Mazzini, Tennyson, and Carlyle, and conducted an interesting correspondence with Charlotte Bronte. His second large poem, *Balder*, written partly at Coxhorne, partly among the Alps, and finished at Amberley Hall, appeared in 1854. The three following years were spent in Scotland — the winters in Edinburgh, the summers in the Highlands. Here he endeared himself to an entirely new circle, including Dr. John Brown, Dr. Hanna, Hugh Miller, Sir Noel Paton, Sir James Y. Simpson, and Professor and Mrs. Blackie. Perhaps his dearest friend at this time was Alexander Smith, in company with whom he published, in 1855, a number of sonnets on the Crimean War, which were followed by a volume on *England in Time of War*. The delivery of an elaborate lecture on the "Nature of Poetry" to the Edinburgh Philosophical Institution, in April, 1857, seriously injured Dobell's chest. Accordingly he spent the winters of the four following years in the Isle of Wight; and, after 1862, the winter generally found him on the Continent, the summer in Gloucestershire. On one occasion, while near Naples he fell through a thin crust of earth into some underground works, to a depth of about 12 feet. This accident proved injurious to his health; and, in 1869, a mare, which he was trying to break, fell and rolled over with him. After this he was, more or less, an invalid, and lived in Gloucestershire, preserving his admiration for natural beauty, his keen interest in public affairs, his sunny sweetness of temper, and deep religious feeling, till his death in 1874.

As a poet Dobell belongs to the "spasmodic school," as it was happily named by Professor Aytoun, who parodied its style in *Firmilian*. The epithet, however, was first applied by Carlyle to Byron. The school includes the Rev. George Gilfillan, Philip James Bailey, Stanyan Bigg, Dobell, Alexander Smith, and, according to some critics, Gerald Massey. It is characterized by an under-current of discontent with the mystery of existence, by vain effort, unrewarded struggle, sceptical unrest, and an uneasy straining after some incomprehensible end. It thus faithfully reflects a prevalent phase of 19th century thought, and consequently is a perfectly legitimate exercise of the muse. Poetry of this kind is marked by an excess of metaphor, which darkens rather than illustrates, and a general extravagance of language. On the other hand, it manifests a freshness and originality, and a rich natural beauty, not often found in more conventional writings. In this school Dobell shares with Bailey the foremost place; and his genius received early recognition from the Rev. George Gilfillan. He is possessed by his ideal of what a poet ought to be. An intensely earnest spirit pervades all his works; and, like Milton and Wordsworth, he has no humour. We sometimes meet, in his writings, conceits and obscurities which remind us of Cowley and Donne; and still oftener his intellectual subtlety, gorgeous imagery, and exquisite lyrics recall Shelley. *The Roman*, a poem dedicated to the interests of political liberty in Italy, is marked by pathos, energy, and passionate love of freedom; and its clear vivid style enchains the reader throughout. His treatment of the Colosseum has been compared, not unfavourably, with Byron's. The faults of the work arise almost entirely from the author's embarrassment in dealing with his own riches. The drama, too, is overlaid with monologue, which is carried to such a dreary excess in *Balder*—a poem so intensely subjective as to fail utterly in human interest. The gloomy egotism of the moody hero wearies most readers, but is relieved, from time to time, by some of the finest descriptions of nature in English poetry, by Amy's exquisitely touching songs, and by grander passages than any to be found in *The Roman*. There is a distinct falling off, however, in purity of style. The purpose of *Balder* has been strangely misunderstood by many critics; and some have actually identified the hero with the author. The object of the book is to show the evil moral effects of egotism and a lust for power on a man of genius. The passage on Chamouni is unsurpassed even by Coleridge. *Balder*, still more than his other poems, manifests Dobell's wealth of thought, as well as the prodigal richness of his imagery.

England in Time of War is the most pleasing of Dobell's works, and allows his lyrical impulse full scope. The book is steeped in passion, and gives faithful and poetical, because thoroughly simple, expression to the feelings of many English hearts at the time. In all Dobell's poems a great fondness for alliteration is observable.

His chief prose writings have been collected and edited with an introductory note by Professor Nichol (*Thoughts on Art, Philosophy, and Religion*. London: Smith, Elder, and Co., 1876.) The lecture on the "Nature of Poetry" is an elaborate disquisition, in which a perfect poem is defined as "the perfect expression of a perfect human mind." In his pamphlet on *Reform*, he maintains "that a just national representation is such as represents the nation at its efficient durable best." In his memoranda for