

**OUR DIVORCE COURTS: THEIR
ORIGIN AND HISTORY, WHY
THEY ARE NEEDED, HOW THEY
ARE ABUSED, AND HOW THEY
MAY BE REFORMED**

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Our Divorce Courts: Their Origin and History, why They are Needed, how They are abused, and how they may be reformed by Charles Cowley

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CHARLES COWLEY

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BY CHARLES COWLEY,

AUTHOR OF "FAMOUS DIVORCES OF ALL AGES," "LEAVES
FROM A LAWYER'S LIFE AFLOAT AND ASHORE,"
"HISTORY OF LOWELL," ETC, ETC.

LOWELL, MASS.

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1879.

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ORIGIN AND HISTORY
OF
OUR DIVORCE COURTS.

CHAPTER I.

It seems remarkable, that events which are attended with the most lasting influences upon society, are often overlooked by historians.

The founding of the Christian Church was, unquestionably, the most important event in the later history of Rome: yet how small a space does it fill on the pages of the Roman historians. The colonization of America and the translation of the Bible were the two greatest events in the reign of James the First: yet neither of them is mentioned by Lingard, and only one of them by Hume. There was no event during the reign of George the Second that was at all comparable in importance with the establishment of the Society of Methodists:

yet there are histories of England under that king, in which the rise of Methodism is not even mentioned.

The establishment of the first judicial tribunal in America, exercising jurisdiction in matters of divorce, would seem to deserve a place in history. But, strange to say, this event, which took place in 1639, has never been recorded with anything like accuracy by any writer whatever.

Only one of those historians who have taken New England for their field,—Mr. Palfrey,—and only one of the historians of the United States,—Mr. Bancroft,—have referred to the matter at all. In his account of the early courts of judicature in Massachusetts, Palfrey says, the inferior courts "had jurisdiction in cases of divorce;"* which is not true. In the tenth chapter of his history, treating on the condition of the United Colonies of New England, Mr. Bancroft says: "Of divorce I have found no example." But the original records of the colonial court of assistants contain several such examples in Massachusetts. There were others in Rhode Island, and also in Connecticut.

Of the historians of Massachusetts, Hutchinson alone mentions the subject of divorce;

*Palfrey's History of New England, vol. 2, p. 17.