

sent to her return as the defendant in *Child v. Hardyman* (Str. 875), who said she could never sit at the upper end of his table again or have the management of his children, but should live in a garret. Such treatment was considered by Chief Justice Raymond to be as good as she deserved, and as a home was thus open to her she could not make him liable on her contracts. At the present day, however, we apprehend that such a case must be read with a *sed quære*.

If, then, subject to this condition, the erratic but not criminal spouse bears with her no authority to make her husband liable to creditors, can she make him liable to the parish? It would probably be scarcely contended that he would be subject to criminal liability as a rogne and vagabond for not maintaining her. It is true that she so far differs from an adulterous wife that the words which in *R. v. Flentan* are used about the latter could not be applied to her. "If," says Mr. Justice Littledale, "the husband is not obliged to answer for the wife's contracts, or to receive her into his house, it cannot be said that he is legally bound to maintain her." The chaste wife he is no doubt bound to receive into his house, and will make himself liable on her contracts if he refuses to do so; he is, therefore, to that extent "legally bound" to maintain her; it does not appear, however, that he "refuses or neglects" to do so if the necessities of life are there for her in his house if she chooses to come and enjoy them. The practical question would be whether he is liable under the Act of 1868 to have an order made upon him to contribute to her maintenance. *Cullen v. Charman* establishes that there are cases in which the husband is not liable, and that the case of an adulterous wife is one of such cases, but it does not, of course, decide that it is the only case, and *Reg. v. Fordham* (5 Times, L.R., 27) supports the view that it is not. It was there decided that where a wife had left her husband but the husband was willing to receive her back, a maintenance order could not be properly made unless the magistrate found that there were such facts as justified the wife in declining to avail herself of the proposed shelter. That there may be such facts is, of course, perfectly plain, and *Thomas v. Alsop* (5 L.R.Q.B. 151) is an authority that a husband who by his ill-treatment of his wife has caused her to leave him, and whose conduct justifies her in remaining apart, cannot escape from liability to the parish for her maintenance by an offer to receive her again into his home. With such cases as this we are not here concerned; we are considering only the liability of a husband whose wife has wantonly departed from him, and we submit—*pace* Mr. Marsham—that the theory of the law does not confer on such a woman the power of subjecting her unfortunate husband, as long as he is prepared to give her a home, either to the demands of individual creditors or to the claims of the parochial authorities.—*Law Gazette*.