

No legal proceedings had taken place, which justified him in turning her out of doors. He began by trying to starve her out. He and his brother gave notice to the merchants not to trust her, and yet she remained nearly a month in her own house, refusing to admit she was guilty of any offence that justified starvation, or expulsion from her house. All this time she was deprived of her husband's society and protection. At last came the crisis, and he proceeded to the house with two constables, who had no legal authority to act in the case. He either hired or bribed them to accompany him. He says he took them to see that no disturbance arose! He found her in bed, a doctor's certificate had been obtained, to show that she might safely be removed, but when subsequently produced, it showed the contrary. She was dragged out of her bed, pushed in a fainting condition down stairs, thrust rudely and by physical force out of the house, where she fell almost insensible into her brother's arms. She was taken away by him and has been maintained ever since by her relations and not by the petitioner. Conduct like that, admitting that he believed his wife had dishonored him, was not only cruel but entirely unwarranted in law. His treatment of his wife on that occasion was in the opinion of the whole country side brutal, and with the concurrence of every generous minded observer, I venture to think, it proves him to have been a husband who had not performed and was by nature incapable of performing those duties which he undertook to perform when he vowed to love, cherish and protect his wife so long as they both should live. I submit that his conduct as proved before this Committee shows him to be a man selfish, morose, and cruel; as a husband incongenial and repulsive, and therefore not entitled to demand from his wife that devotion and disregard of social enjoyment which a loving and attentive husband might justly claim. But I only ask in this case that no presumption of crime shall be permitted to supersede legal evidence because Mrs. Campbell sought innocent enjoyment in the society of friends which was denied to her at home. I object to the law, the logic and philosophy of the learned judge, who reasoned from the domestic relations of

these people, that circumstances being favourable by "the close proximity" of a male acquaintance, she must have given "free course to her passions" and committed this crime. I think I may rest the case here and assume that you cannot find the preamble of this Bill proven.

The plaintiff's bill must be dismissed, but what is to follow—what protection does the law extend to this discarded wife? In Ontario as I have pointed out the law is peculiar. There is no door of redress now open to that unhappy woman, except the old common law remedy by which she may obtain from her husband—even when you rehabilitate her by dismissing this bill—the means of subsistence. If she can find any one to undertake the experiment of an action for necessaries against Campbell on the old common law rights, she may indirectly recover a modicum of support, to which she is entitled as a wife. But even in a Division Court she may be met by this judgment, and told that her case is *res judicata*. In this court—the highest in the land, for you make the law as well as administer it in divorce cases—the Vice-Chancellor's opinion will go for what it is worth, and no more; but in the inferior court, it will be probably argued that it has the force of law. This is the only court that can apply the proper remedy. I come to you—a Committee of the Senate—and ask a divorce on behalf of this deserted wife. The petitioner asks for divorce *a vinculo*, to which he is not entitled. The respondent, now the petitioner, also asks for a divorce *a mensa et thora*, to which she is entitled. She asks to be protected in her earnings, and to be made free and independent of her husband, so that he cannot molest her, and that she may not be left without support. It will be for the Senate to consider what amount of alimony should be secured to the wife in each case on obtaining this separation from "bed and board." You will find in the case of *Dundas vs. Dundas*, where the adultery was actually proved, the House of Lords inserted in the bill a provision that the husband should pay his wife an annuity for life. The judicial separation which is now granted or decreed by the Court of Divorce in England, is substituted for the old Ecclesias-