

James Campbell gave, what I consider, a very remarkable account of his visit to Anderson to obtain his assistance in watching. He did not tell him the object, had no conversation with him upon the subject, made no remark by the way of explanation on the road, and said nothing at the gate. He would have us believe that he simply asked him to go to the house; that Anderson accompanied him without asking any reason; that there was no communication or exchange of ideas between them until they arrived at the verandah. I must say, Campbell's story is an extraordinary one; so peculiar, so unreasonable, that I do not believe him. On the contrary, I believe they knew what they were going to watch for, and discussed it on the way. That it should have occurred otherwise, is utterly improbable. But the witnesses deemed it advisable to avoid any allusion to their conversation, objects, and plans, because an inquiry might be pushed, and a deep laid plot, as well as discrepancies might be revealed. James Campbell admits that he went for a stick for the natural and proper purpose of breaking in the window on the discovery of his sister-in-law's infidelity. But then he tells us he allowed his brother's wife to be seduced, and though armed with a stick made no attempt to prevent it! He stood by, as his brother's agent, and allowed the act to be consummated! I submit first, the improbability of the thing, and next, the wrong and illegality of it. The authorities are clear on the point. The husband cannot claim a dissolution of the marriage tie, where he has been guilty of misconduct as the law calls it; where he has connived at, or assented to the act of adultery, on account of which he claims divorce. [Mr. Macdougall here read several passages from Shelford, and other authorities.] Now, I submit the petitioner has proved a state of facts that brings him expressly within the rule of law administered every day in the Divorce Court of England. The husband was present by his agent when the particular act on which he founds his case, was committed. He appointed his brother agent; both have sworn to that fact. He was there for the purpose of watching. I presume for the legal purpose of seeing that no adulterer

came to that house, or if any attempt were made to seduce his brother's wife, to prevent it. If we admit the rule, *facit per alium facit per se*, then I say the petitioner was present when the act of adultery was committed, and did not prevent it. He allowed the seducer to ply his arts, and to consummate the act, without attempting to hinder him. He has no right, therefore, on his own showing, to ask the intervention of Parliament, having contributed to his own dishonor. But I do not rest my case on that view of the facts, because I deny that any act of adultery was committed. I ask the Committee to dismiss the Bill on the petitioner's evidence alone, but I ask them on the whole case, to find affirmatively and positively, that Mrs. Campbell is innocent. (Mr. Macdougall then noticed; at some length, the *presumptions* against the respondent, which the Vice-Chancellor discovered in her general conduct, previous to the alleged offence. He quoted authorities to show that where a husband is morose or severe towards his wife; where he treats her with neglect and coldness, he disentitles himself to, and must not complain if he loses, her wifely solicitude and affection.) He said: I do not charge acts of severity against the petitioner prior to his desertion of his wife, but I charge him with having paid greater attention to his outside duties than to his household. He neglected his wife, and compelled her to seek the companionship of young persons, and now takes advantage of his own ill-treatment, and its natural consequence to create presumptions of guilt against her! No fair argument can be based on the fact which we admit that Mrs. Campbell is a person of great social aptitudes, always disposed to entertain her friends when they presented themselves, that she was fond of music and the society of young persons, that these were more congenial than the cold, morose, negligent, absorbed husband, who seems to have thought all his wife should think of was how to manage his house, look after his children, and wear a pleasant face when he came home late at night. His conduct afterwards, which is partly admitted even by himself, in turning her out of his house, shows his temper and sense of duty. She was his lawful wife.