

the Plaintiff's claim was obtained in the opening of the peace produced in support of the disadvantages of obtaining such a case, and in spite of family witnesses on the Deas, I think, established our both of the grounds, upon which the Defendant's ill wife, and his consent to her

ved, beyond contradiction, and chastised his wife with which was an act of violence against my understanding of her separation from him. I regret that I ever differ from the present instance, however what fell from his Lordship, I contend, and think I by the present law of England, a man is not at liberty to whip his wife. That was once of less refinement and liberty, happy to say it is not so at present, and humanity of law have introduced a more liberal treatment of wives. In this respect, not only by the authority learned associate, in his statement of the law, but by one, which I will now quote from the first volume of Blackstone's Commentaries, page 444. After mentioning that a husband might give his wife a correction, this standard commentator says, "But, since the reign of Charles the second, a correction began to be considered as a crime, and a wife may now have security of person from her husband, or, in return, a husband may have security of person from his wife. Yet the lower rank are always fond of the old law, and exert their authority, and the Courts of law will not restrain a husband from using any gross misbehavior, but are only in a case of

modern law of England. A moderate correction of a wife in early times was allowed, and she has security of the peace. A wife may now have security of person from her husband, or, in return, a husband may have security of person from his wife. Yet the lower rank are always fond of the old law, and exert their authority, and the Courts of law will not restrain a husband from using any gross misbehavior, but are only in a case of

The rule of law being now established by such venerable names, let us apply it to the facts of the present case. It is proved that the Defendant chastised his wife with a riding whip; in plain English, he horse-whipped her; and, as he himself declared, that was the cause of her leaving him. Does the modern rule of law authorise a man thus to horse-whip his wife? To govern or punish her with the same instrument of brutal force, as he would a horse? To treat her, in short, as a beast of burden? Horse-whipping is not only an act of violence, but of indignity, and degradation, incompatible with the harmony and affection which should exist between husband and wife. A horse-whipped wife could not be a companion, a bosom friend, but a mere slave. All mutual comfort, the very end of a married state, would be defeated by such a slavish, degrading system of discipline. The Defendant's wife, then, had good cause to leave him, for her personal safety; and her father was the proper friend to receive and protect her, until she could have some reasonable assurance of better treatment from her husband. Could he in duty and honor do less? Has he done any more? What object beyond that could he have? Men act from motives. Now, let me ask you, what inducement the Plaintiff could have to take back his daughter, whom he had given in marriage; and to burden himself with the charge of her, except for her personal safety? Is there, can there be, a doubt in your minds, that he acted under that impression, and with that view? The transaction itself, and his subsequent conduct, concur to prove it. As soon as there was any rational hope of a reconciliation, he united with his daughter in taking the most conciliatory and even condescending steps towards so desirable an accommodation.

What, on the other side, has been the uniform conduct and declaration of the Defendant? He has shewn no cause for his aversion to his wife, but his own ill humour, and his ill treatment of her. In most family differences, each party, even the most innocent, is chargeable with some fault. But what fault, through the whole of this unhappy difference, has the evidence attached to the injured wife? None. Yet in 1814, or 15, soon after the separation, he avowed to the witness Simpson his determination not to live with her. Three or four years ago, he declared to Miss Hawley, that he would not receive his wife, even if she should come upon her knees to him. For this he assigned no reason; and none can be found, except his notorious ill treatment of her, and his libertine love of variety. He was not willing, it appears, to be confined to the embrace of a virtuous wife. He chose to range at large, to indulge his licentious appetite with other women, and scatter his illegitimate children about the country. For proof

of this, we need not resort to the public notoriety of facts. It is proved by his own unblushing admission. He has even gloried in his shame, and boasted of it to his unoffending wife, and that too at the very time when she was seeking for a reunion, in the most conciliatory and condescending manner. His conduct and language at the interviews with her in September and October, 1825, were congenial with his character and his principles. By insisting on degrading and inadmissible conditions of her reception, he refused to receive her. He taunted, insulted and drove her away. I will not go through the particulars of that disgusting scene. Gentlemen, what think you of his telling her he had a very pretty sweet-heart in Montreal; that he had a number of brats about the country for her to take care of, if she should live with him; and that he would reserve a right to be visited in his own house by his mistresses? What inference are you to draw from his proposal to his wife to have another man sleep in the same bed room with them? Is there any one who now hears me, whose blood does not boil within him at such a proposition? Whose soul does not revolt at the cold-blooded brutality of the man? He must have had one or the other of two objects in view. If she rejected the offer, as she did with silent indignation, he would say it was her own fault that she did not stay and live with him. If she submitted, what then was to follow? Gentlemen, you have perhaps heard of an atrocious occurrence near the Napanee mills. One John Clark (I suppose you all know him) induced an ignorant, unfortunate female to consent to be married to a man then living at his house. The worthy John proceeded to join the parties in holy wedlock; and the day, with its festivities, being over, the happy couple retired to bed. As was concerted before between the bridegroom and Clark, the former, as soon as his dupe fell asleep, got up, and left the room a few minutes, and Clark took possession of the bed: The bridegroom immediately returned, and affected to discover that his newly married wife was false to him; upon which the marriage was declared void. Gentlemen, do you think that Mr. Ham, with the knowledge of a stratagem just suited to his ideas of right and wrong, would not avail himself of so good an opportunity as his wife's submission to his proposal would give him, to rid himself of her for ever?

Gentlemen of the Jury, my learned friend has told you, that I am better acquainted with you, than he is. I believe I am; and I am proud of it. Had he known you as well as I do, and had he known the general opinion and feeling of the country around his client, he would not have referred you to Mr. Ham's reputation among them. A Jury from that vicinity, where the parties are known, and the cause in all its bearings is