

A Report, &c.

C. A. HAGERMAN, M. S. BIDWELL, AND G. MACAULAY, ESQUIRES,

Counsel for the Plaintiff;

THE SOLICITOR GENERAL BOULTON, H. CASSADY, JUNR. AND J. S. CART-
WRIGHT, ESQUIRES,

Counsel for the Defendant.

JURY.

SAMUEL MCCREA,
PATRICK BLACK,
JOHN HYNES,
EDWARD MCFATRIDGE,
CHESTER HATCH,
THOMAS WHITLEY,

WILLIAM ASHEEY,
JAMES M. ROBINSON,
JOSEPH WOOD,
JOHN DUNCAN,
JAMES HUSSEY,
WILLIAM LYAL.

Mr. BIDWELL opened the case.

MAY IT PLEASE YOUR LORDSHIP,

And Gentlemen of the Jury,

YOU cannot but perceive that this cause excites more than ordinary interest; not so much from its general nature, as from the peculiar circumstances attending it. Instead of attempting an ostentatious display of them, or any appeal to your passions, I shall best comply with the wishes of my client, and my own sense of professional duty and my respect for your candour and intelligence, by a simple, unvarnished statement of the case.

It is in form an action of assumpsit, brought by the Plaintiff to recover satisfaction for boarding, clothing and other necessities provided by him for the Defendant's wife, during a period of about twelve years. The declaration contains two counts, that is two modes of stating the cause of action; but the substance is the same. To this declaration the De-

fendant has pleaded the general issue, which is a mere denial of the whole cause of action.

Although the form of action is common; yet, fortunately, such actions as the present are not of frequent occurrence among us; and, for the honor of the country, it is to be hoped that another similar to this, in all its circumstances of aggravation, will not soon come before a Court and Jury.

Before I detail the facts expected to be proved on the part of the Plaintiff, permit me to call your attention to the principles of law, which must govern the application of those facts to the case under consideration.

It is a sound general principle, that a husband is bound by law to provide for and support his wife, during the intermarriage. A married woman is legally inca-