

conscious could not be justified by a statement of facts.

When the Defendant had communicated to his wife the result of one month's consideration of her proposal, in prosecution of his concerted system of defensive operations, he wrote the Plaintiff another letter, which I will now read to you.

"Bath 2d November 1825

Mr Sheldin Hawley,

Sir This is to inform you that your daughter Hester my wife, called at my house on Monday the 24th day of October 1825 at which time I requested her to stay with me and that I would give her a decent living and maintenance if she would stay, and forbid her going away, I therefore hereby forbid, and notify you to not trust or harbor my wife Hester on my account as I will pay no debts of her contracting—

I am Sir yours &c  
(Signed) GEORGE HAM.

Gentlemen, I will detain you with very few remarks upon this scrap of written evidence.

It purports to be a letter of information. 'This is to inform you'; which implies that he had never before notified the Plaintiff not to trust or harbor his wife. Whether he had, or not, is immaterial. For no such cautionary notice can exempt him from a just responsibility for her support. In a similar case, *Harris vs. Morris*, 4 Esp. 41, Lord Kenyon said, 'That he advertised her in the papers, and forbid persons to trust her, cannot avail him; for if he put her out of doors, though he advertised her, and cautioned all persons not to trust her; or if he gave particular notice to individuals not to give her credit, still he would be liable for necessities furnished for her; for the law has said, where a man turns his wife out of doors, he sends with her credit for her reasonable expenses.' The Defendant's warning, therefore, is of no avail.

'I requested her to stay with me.' To call what he said to his wife a request to her to stay with him, is a perversion of language, a barefaced mockery.

'And that I would give her a decent living and maintenance.' What ideas of decency must a man have, to pretend that what he required of his wife, as the conditions of her reception, was a decent living!

'Your daughter Hester my wife.' Here, Gentlemen, is the Defendant's own certificate, that the Plaintiff's daughter is his wife: which supercedes the necessity of any further proof of the marriage.

Gentlemen of the Jury, we will only call three or four witnesses, whose testimony, in addition to these letters, will, I trust, satisfy you, that the Defendant's wife has been respectably maintained by the Plaintiff, the last twelve years, both with the consent of the Defendant, and in consequence of his ill treatment of her; either of which will entitle the Plaintiff to a remuneration. No deduction should be made on account of any personal services of the Defendant's wife; because he has not thought proper to plead or give notice of a set off, but has made his election to bring a cross action, claiming damages for harboring her, and depriving him of her service, in which action, and not in the present, any claim he may have on that score will be a proper subject of consideration. In this case it is your duty to allow the Plaintiff a fair and full remuneration for his maintenance of the Defendant's wife. The Defendant, whose circumstances are affluent, has ample means of satisfaction. The amount of damages, within the limits of the declaration, is at your discretion; and I hope you will give such a verdict, as shall prove a salutary warning to husbands not to ill treat their wives.

*Isabel Hawley*, being sworn, was examined by Mr Hagerman. Witness is a sister of the Defendant's wife, and daughter of the Plaintiff; was present at the marriage of her sister with the Defendant. Two or three months after Mrs. Ham's confinement, she was on a visit at her father's, and was very ill of a sore breast. The Defendant came for her, to take her home. He said, my lady, you must get ready, and go home with me, and ride behind me, at the same time shaking a whip over her head. She said she was so ill she could not ride on horse back. Her father said, go and get a waggon, and she will go with you. Defendant said again, shaking his whip over her, my lady, you must come with me; and if you live to have another child by me, I shall discharge the nurse on the third day, and make you do all the work of the house, and if you should not get out of bed, I will flog you out. This was about a year or thirteen months after the marriage.

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