

so far as the evidence disclosed, the slightest ground of suspicion. This charge of infidelity was made repeatedly to her and to others, and it became a habit with him to throw out insinuations suggesting his wife's infidelity. The track of a waggon near the premises, or of a bicycle, or of a cattle-man calling to inquire if there were any cattle to sell, and trifling incidents of that kind, were seized upon by him to feed his jealousy. He imagined that people were in the house at night; that if his wife went outdoors it was to meet some man; that any noise was evidence that men were prowling about for the purpose of illicit intercourse with his wife; and this not in drunken moods, because he was not a drinking man, but from day to day, from week to week, and year to year.

The effect upon the wife was deplorable, and the doctors who examined her described her as bordering upon physical and mental break-down.

I find as a fact that her condition was largely due to the conduct of the defendant. He slept for years with a revolver at the head of his bed, and, when she removed that, he had some other weapon, in the form of a club or axe, and his reason for so doing, as given to the plaintiff, was to be ready for these people whom he supposed to be lurking about the place, seeking opportunities to have improper relations with his wife. For all of this, so far as I can judge, there was no shadow of foundation in fact. The plaintiff's mind upon this question seemed to be unbalanced, and he was ready to seize upon the most simple incident as proof to him that his suspicions were true. In the witness box, indeed, he acknowledged that he did not believe his wife had been untrue to him, but he still thought these incidents, some of which I have referred to, were just grounds of suspicion. He offered to take her back. I consider his conduct such, having regard to his deep-seated jealousy, that the wife's fear was, to a certain extent, well grounded, and, when she stated that she was afraid to return, in fear of personal injury, on account of her health, I believed what she said. I think the conduct of the defendant towards the plaintiff amounted to legal cruelty: *Lovell v. Lovell*, 13 O. L. R. 569, 8 O. W. R. 517; *Russell v. Russell*, [1897] A. C. 395; *McKenzie v. McKenzie*, [1895] A. C. 284.

The plaintiff is not entitled, in my judgment, to enforce specific performance of the agreement. It provides con-