

support them. The instances of interference on the part of the sisters are trivial in the extreme. Against Mrs. Hunter there is still less. It is alleged in one article of the libel that both Mrs. Hunter and her daughter took every opportunity of insulting the proponent. This is not only improbable but it is unsupported by evidence, and quite inconsistent with the sentiments of respect which Mrs. Hunter professed to feel for her mother-in-law though not for her sisters-in-law.

The language of Mr. Hunter and his threats were objectionable in the extreme as proved by Mrs. Hunter, but his own account varies very much from hers, and the threats of sending her from the house always seem to have been coupled with the condition, unless there was a change of conduct on her part, and never were followed by any act of expulsion, unless the blow or slap in the face can be so considered. That, however, wrong and reprehensible as it was, was rather the result of sudden provocation under very peculiar circumstances, than a deliberate act. That sort of cruelty, which in the eye of the law calls for the decree of divorce, I do not think, on the best judgment I have been able to form, and looking to the conduct of both parties, has been established.

The language of Sir Wm. Scott in *Evans vs Evans*, 2 Hag. Ec. R. 32, is as follows: "Everybody must feel a wish to sever those who wish to live separate from each other, but my situation does not allow me to indulge the feelings, much less the first feeling of an individual. The law has said that married people shall not be legally separated from the mere disinclination of one or both to cohabit together. "Though in particular cases," he adds, "the repugnance of the law to dissolve the obligation of matrimonial cohabitation, may operate with great severity upon individuals, yet it must be carefully remembered that the general happiness of the married life is secured by its indissolubility. When persons understand they must live together, but for a very few reasons known to the law, they learn to soften by mutual accommodation that yoke which they know they cannot shake off, they become good husbands and good wives; for necessity is a powerful master in teaching the duties it imposes. If it were once understood that upon mutual disgust married persons might be legally separated, many couples who now pass through the world with mutual comfort, with attention to their common offspring, might have been at this time living in a state of mutual unkindness, in a state of estrangement from their common offspring, and in a state of the most licentious and unreserved immorality;" and the policy of law is against sanctioning on slight grounds that state of things by which, as the same judge says, "persons are to pass their lives in the character of husbands without wives and wives without husbands."

The cases of *Evans vs. Evans* and *Waring vs. Waring* show the necessity of making due allowances for the excitement or exasperation of the feelings under which evidence is delivered in cases of this sort, even by third persons; much more is it now required where the parties themselves are admitted to testify, which was not allowed when those cases were decided. In the very recent case of *Thwaites vs. Thwaites*, before Sir Creswell Creswell, however, the lady was a witness for herself under the new law, and she swore to various acts of cruelty which were not established, but it was acknowledged by her husband that he had on one occasion boxed her ears, and that was for calling him a liar. The learned Judge said he did not consider that an apology for the husband, for the thing was very wrong; but he, nevertheless, regarded it as a reason-