

happiness. Perhaps if there had been manifested a proper degree of *forbearance* on both sides, matters might have proved different from what they have. We, looking upon the whole scene, can easily discover when and where judicious friends and advice might have wisely interposed. The wife, also, should have borne in mind, that when she went to her new home, where other females had had the control who were to surrender it to a third person and become less independent than they had been, unless she used great forbearance, judgment and kindness, it must lead to difficulties; that they might seem trivial at first, but unless met, discussed and determined they would, like the snowball, gather strength and size till assuming the proportions of the avalanche, they would sweep everything before them! She should have remembered that it was a hard thing to ask him to send them abroad, when by a little kindness it would be unnecessary thus to render their lives miserable; and he, too, should have well reflected that in the step he was taking he was indeed placing his wife in a position of great difficulty and he ought to have been more careful than he was; and when the difficulties did arise, he was bound to forget they were sisters, and to have seen that his wife was placed there as *female head of the house*, and those sisters should have seen that her *entree* was made agreeable and have graced themselves as *visitors*—the favored, honored and welcome *visitors*, in their brother's home. If she was received, however, as an usurper,—not controlling but controlled—her authority questioned or set at defiance, perhaps not at first harshly or openly, then difficulties must inevitably have been as they were the result. Then it was, gentlemen, that the *husband* should have risen superior to the *brother* and the *son*, superior as master in his house, and determined that she whom he had taken to his bosom should be supported in honor and respect, and taught that they could only live in his house while they respected him by respecting his wife! And she should have thenceforth behaved to them as guests—treated them with civility and love, and with a dignity becoming her position. Had these been done, all these difficulties had been nipped in the bud. Things go on, however, in the manner detailed to you, but it is my duty to tell you, gentlemen, that though instead of a *happy home* she had lived in a *bear garden*, she had no right to leave unless there was personal violence or sufficient to cause the reasonable dread of it. It is to be regretted that judicious persons did not interpose. Immediate relatives too often take too strong grounds, and exaggerated views; but others might have devised a happy medium of reconciliation. We come now down to the time of the *first separation*, and if the case had rested there, she could not have been justified in separating from her husband. Be that as it may, all that up to this time had occurred, had been as the law terms it, “condoned” by her return; and they started anew. In reference to the *second separation*, we have conflicting statements, and it is hardly possible it could be otherwise. Both parties gave their evidence, however, with-

out exasperation or irritation, and in a highly creditable manner, but it is not to be wondered at each party should, imperceptibly to themselves, deeply or lightly color particular circumstances. It is indeed strange, that after her return home there should have been so much feeling shown. Take the wife's own account. Instead of trying to make matters smooth, to bring about peace by kindness and by love, and to avoid the path which hitherto had been so rugged, the moment she gets back she commences begging again for her separate home, extorting promises: and then these were met, not as they should have been met by him, but with positive rudeness. He knew that difficulties had and would arise in such a controversy, and it had been better for him to indulge in that little kindly dalliance which married men so often beguile with, to have answered with some kind joke or endearing expression, close the controversy pleasantly, and created a spirit of confidence and frankness. Not so, gentlemen. Troubles accumulate, until at last the wife forsakes her husband's roof for the second time. And this brings us to the most important considerations in this cause. It will be for you to say whether the wife was *driven out* by her husband from his house or did he commit such acts of violence as constrained her to leave. If you think that the man was of the opinion that he had lost the love and respect of his wife and became determined to get rid of her, and therefore threatened to beat her, and struck her a blow such as she has described as a sample of the treatment he intended, and ordered her to “be off”, then she was justified in leaving; or again, even if he did not intend her to leave, and yet struck her a blow such as to induce in her mind a reasonable fear and dread, she was justified in leaving. If, on the other hand, she went back to avail herself of what had passed, and came down on him when he was reading the newspaper in peace and quietness on that morning, and used language to annoy and tantalize, then if she laid such a pit, and endeavored to induce her husband to turn her out or to become exasperated, the results were brought on herself and she only is responsible for them. [Here the learned Judge reads and comments on her version of the final separation.] I repeat, if he wished her to go, threatened to whip her, still she would not leave, and he struck her a blow, evidencing his intentions towards her, saying “take that now”, I cannot see a more effectual way of turning his wife out, and, under such circumstances, she went out clothed with the authority of an agent of necessity, with full power to make contracts for her support, and these contracts her husband is bound to carry out. [Here the learned Judge reads and comments on his version of the final separation.] Now, this is very different from her statement! We all know that none can be more irritating than a female if she wishes. If, on that morning, she provoked and tantalized him, and Hunter endeavored to avoid any controversy, to go out and leave her, and she, finding she had not succeeded in her designs by sufficiently annoying him, struck the spur deeper, made the goad longer, sharper and stronger, called him a devil,