

have to take care of; and she must not be surprised if he should bring home other women to cohabit with him occasionally. I forbear to mention the rest.

Gentlemen, let me put it to you, as men of sense and virtue, as husbands and fathers, which I believe most, if not all, of you are; were not those conditions indecent, as well as insulting? Was not their indecency such as, in the language of Lord *Ellenborough*, "precluded her from living with him"? Would any of you require such degrading conditions from a wife? Would you be willing to see an amiable, well educated daughter submit to such degradation? Let your own consciences answer.

She did not comply. No modest, virtuous woman could; nor could he have intended or expected her compliance. It was as effectual a rejection of her solicitation, as if he had expressed it in more direct and manly terms. She returned to her father's house; and, all hope of reconciliation or satisfaction being at an end, the Plaintiff has been constrained to appeal to you for redress.

Having stated the facts, as I am instructed to expect they will be proved, I will make two or three remarks upon them, before I proceed to the evidence.

It is incumbent on the Plaintiff to prove his case, by reasonable evidence, adapted to the nature and circumstances of it. The marriage of the Defendant, the separation of his wife from him, her residence in the Plaintiff's family, and his supplying her with boarding, clothing and other necessities, in a comfortable and respectable style, suitable to the Defendant's circumstances in life, are facts likely to be proved by direct and explicit testimony. But his ill treatment of his wife is a matter of a different nature, and of which it would be unreasonable to expect the same kind or degree of evidence. Men do not call witnesses to attest their criminality or misconduct, but endeavour to conceal actions, of which they have reason to feel ashamed, by performing them secretly, and in the absence of spectators. Such is the unmanly act of beating a helpless female. It is a deed of darkness. No man, who values the opinion of society, however cruel or vindictive he may be, no man, in the presence of witnesses, could have the front to lift a coward arm against an unprotected woman, and that woman his own confiding

wife, who has put herself in his power, and whom he is bound in honor to protect. With every motive for secrecy and concealment, he inflicts his blows in the dark, where no human eye can see him, except the victim of his cruelty. And she, too, from a sense of mortification, a dread of becoming the subject of gossiping scandal, or perhaps a yet unextinguished regard for her husband, and a lingering hope of his returning kindness, has strong inducements to keep her wrongs to herself, and to palliate or disavow them. You will not, therefore, expect the abuse complained of in this case to be proved by eye witnesses, but by indirect and circumstantial evidence, or his inadvertent confessions. The only person who could testify directly to the facts is not a competent witness, nor can her declarations be admitted as evidence for or against either party. If her testimony were admissible, the Plaintiff's case would be easily proved.

There is another circumstance worthy of consideration. The principal transactions, which occurred before witnesses; took place in the midst of the Defendant's relatives, whose partialities and prejudices, without imputing any intentional perversion of the truth, may be supposed to have produced impressions in his favour and against the Plaintiff, and, though they are not sensible of it, may give a colouring to their recollection and representation of the facts. For such a probable bias you will make due allowance.

The first witness I shall produce is the Defendant himself; and surely he will not object against the testimony of his own letters, in which he must be supposed to have put the best face upon his conduct and his cause. It has already been stated, that the Defendant's wife, anxious to effect a reconciliation with her husband, induced the Plaintiff to write him a letter adapted to that purpose. It was intended as a peace offering. The exact purport of it we do not know, as the Plaintiff kept no copy; but I will read and put in the Defendant's answer.

" Bath 26th September 1825

Sir;

I received your letter of this date wherein you state that in order to compromise the existing difficulty between me and my wife, but had I have been in your place at the time and with the feel-