

cation here, is by the wife, upon the charge of "cruelty of treatment," which, upon the allegation of the petitioner, became so excessive and intolerable, as to compel the petitioner to leave the house and society of her husband, sometime early in the year 1850, which she did.

The single inquiry, therefore, is, whether the petitioner, upon the evidence, has made out such a case as entitles her to the aid of the court. Has she proved that her husband has been guilty of cruelty of treatment towards her, as these words are understood in the act of Assembly? The answer explicitly denies the charge, and recriminates upon the wife, imputing to her, both before and since the marriage, conduct of the most reprehensible character, and a vast mass of evidence has been taken, and a great deal of time consumed, in the discussion of this evidence. I do not deem it necessary, and I certainly feel no inclination, to follow counsel in their investigation of facts, not essential to the point to be decided; and my disinclination to do so, is not diminished, in this case, by the nature of these facts.

I conceive, that the question, properly presented in this case, may be decided, without pronouncing any opinion upon the truth of the charges contained in the answer, affecting the chastity or sobriety of the complainant. The husband, is not here asking to be divorced upon the ground of adultery, or misconduct of his wife, in any other respect. She is the complaining party; praying for a separation from her husband, because, as she alleges, he has been guilty of "cruelty of treatment," and the question is, whether she has succeeded in establishing this allegation; because, if she has not, the application must fail, whether the recriminatory charges are true or not.

I, therefore, shall express no opinion, one way or the other, upon the truth of these charges, and shall confine myself entirely to an examination of the charge of "cruelty," made by the complainant against the defendant.

In the recent case of *Coles vs. Coles*, which was an application for a divorce, *a mensa et thoro*, I had occasion to look into this subject, and to inquire, how the term "cruelty" is under-