

main to be considered, when they are stated, how far they entitle the complainant to the relief sought by her bill.

The first of these facts is, that the separation of these parties (whatever may have been his motive or provocation) was the act of the defendant, and in opposition to the wish of the complainant.

This fact is established beyond doubt or controversy by the answer of Henry Myers, at page 12, to the 3d interrogatory on the part of the complainant. Mr. Myers states that he was called by defendant as a witness, that he had requested or ordered his wife to leave his house. That he was about to break up housekeeping; that she must select a respectable boarding house, and that he would be responsible for her board. This determination, the witness says, was expressed in a positive and decided manner by the husband, was received by the wife with tears and on her knees, with entreaties that he would not pursue that course, imploring him to try to live together; that she would do all in her power to make his time or life agreeable, and appealing to him on account of their children. These entreaties and propositions he rejected, saying his mind was made up.

As no effort has been made to impeach or contradict this witness, the facts deposed to by him must be regarded as established.

The second fact is, that this separation, as it was originally the act of the defendant, continues now by his will, and against the will and wish of his wife, and in defiance of the desire to return to his society and protection.

This fact, the Chancellor considers as established by the answers of C. C. Jamison and Joseph Jamison to the complainant's 2d interrogatory, and by the answer of T. Wallace Jamison to the fifth interrogatory on the part of the complainant.

The third fact, which may be regarded as proved, is, that since the year 1840, the defendant has discontinued the regular payment of the allowance which he had previously made his wife, having since then only paid her some inconsiderable sum of money.