

dence free from exception) bring this case strictly within the rule, and shows, that this unfortunate woman, however imprudent she may have been, in forming such a connection, has already suffered much more than could, by any one, be deemed necessary to expiate her offence. Imprudent as she may have been, giving to that word the most unfavorable interpretation of which it is susceptible, it by no means follows, that she shall be exposed to perpetual peril of bodily hurt, and to a course of treatment, which must infallibly shorten her life, as it has already impaired her health.

I shall, therefore, pass a decree, divorcing these parties, *a mensa et thoro*, and will restore to the complainant the property which she had when she married, or such portions thereof, as may now remain undisposed of. But, in consideration of this restoration to the wife of her own property, and the narrow circumstances of the defendant, there will be no award of alimony.

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[The decree was then passed as follows:]

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This cause standing ready for hearing, and being submitted upon arguments, in writing, by the solicitors of the parties, the proceedings were read and duly considered. And it appearing from the pleadings and proofs that the defendant has been guilty of "cruelty of treatment" of the plaintiff, so as to render it unsafe, and improper for her to cohabit with him, or to be under his dominion and control. It is, therefore, this 24th day of March, in the year 1851, by John Johnson, Chancellor, and by the authority of this court, adjudged, ordered and decreed, that the said plaintiff and defendant, be, and they are hereby, divorced, *a mensa et thoro*. And it is hereby declared to be the duty of each of them to live chastely during their separation, and that it will be criminal, and an act void in law, for either of them, during the life of the other, to contract matrimony with any other person. And it is further adjudged, ordered and decreed, by the authority aforesaid, in pursuance of the 3d section of the act of 1841, ch. 262, that there be