Introduction: The 'Anatomy of a Divorce'

[The] history of divorce is not the least important, and is certainly one of the most typical chapters in the 'History of Freedom,' and its land-marks are those of that history.

The legalisation of divorce in the Republic of Ireland in 1996 was heralded as epoch making, but there was little acknowledgement that this was the third incarnation of Irish divorce. The reform was preceded by early Irish law which allowed divorce and more than two centuries when divorce could be attained by a parliamentary act. As a satirical matrimonial map, produced in early nineteenth-century Cork, attested: '*Cat and Dog Harbour* . . . is the principle port for trade to the *Divorce Island*' which possessed 'a considerable population'. By comparison, 'The chief building . . . the *Fort of Repentance* . . . situated in the *Vale of Tears*, is scarcely ever inhabited' (see Figure I.1).

The history of divorce was, however, late to develop. As Robert Chester notes, 'up to 1965 the study of divorce was both absolutely and proportionately rare.'[1] Geographically specific studies and some comparative work were subsequently produced, often foregrounding the intersectionality of the institutions of state, church and society.[2] That triangulation

The quote in the title of this Introduction is from George Macbeth's poetry collection, *Anatomy of a divorce* (London, 1988).

[1] Robert Chester (ed.), *Divorce in Europe* (Leiden, 1977), p. 2.

[2] See, for example, Lawrence Stone, *Road to divorce: England, 1530–1987* (Oxford, 1990); Allen Horstman, *Victorian divorce* (London, 1985); Leah Leneman, *Alienated affections: Scottish experience of divorce and separation, 1684–1830* (Edinburgh, 1998); Mark Seymour, *Debating divorce in Italy; marriage and the making of modern Italians, 1860–1974* (Basingstoke, 2006); Dirk Blasius, *Divorce in Germany, 1794–1945* and *Historical perspectives on divorce law* (Göttingen, 1987); Roderick Phillips, *Family breakdown in late eighteenth-century France: divorces in Rouen, 1792–1803* (Oxford, 1980); Antony Copley, *Sexual moralities in France, 1780–1980: new ideas on the family, divorce and homosexuality* (London, 1989); Barbara Alpern Engel, *Breaking the ties that bound: the politics of marital strife in late imperial Russia* (Ithaca, 2011); Richard H. Chused, *Private acts in public places: a social history of divorce in the formative era of American family law* (Philadelphia, 1994); Kristen Celello, *Making marriage work: a history of marriage and divorce in the twentieth-century United States* (Chapel Hill, 2009); Henry Finlay, *To have and not to hold: a history of attitudes to marriage and divorce in Australia, 1858–1975* (Sydney, 2005). Divorce in countries such as Norway, Denmark, Iceland and Finland is explored in a special edition of the *Scandinavian Journal of History*, vol. 43, no. 1 (2018). Modern comparative analysis was pioneered by Roderick Phillips, *Putting asunder. A history of divorce in Western society* (Cambridge, 1988). Divorce in non-Christian countries has also been examined. See, for example, Harald Fuess, *Divorce in Japan: family, gender, and the state, 1600–2000* (Stanford, 2004).

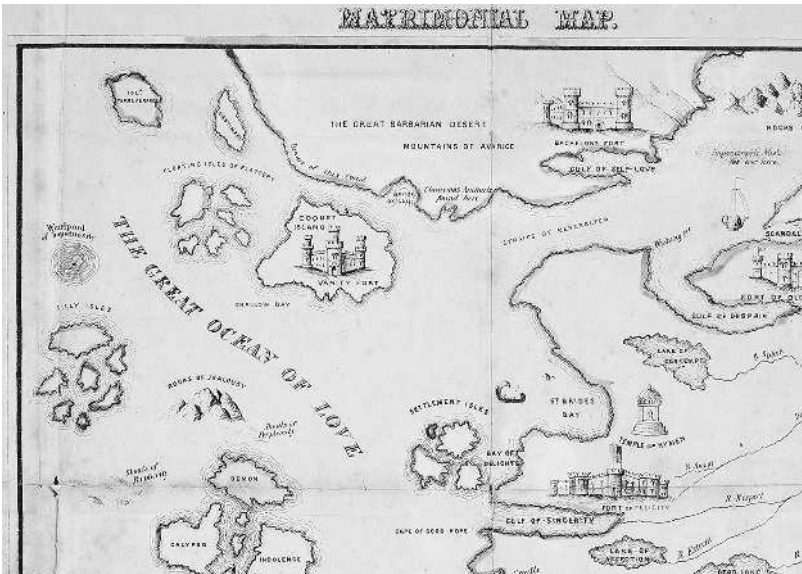

Figure I.1 Matrimonial Map, Callagan Bros., Cork, n.d., c. 1830–40 (image courtesy of the National Library of Ireland, EPH E821).[3]

[3] National Library of Ireland, hereafter NLI.

encapsulates much of Ireland's history of divorce, but the country was often at variance with the progressive liberalisation of family law common to much of Western Europe. Ireland's non-linear liberalism can therefore be compared to post-revolutionary France where the grounds for divorce by mutual consent granted in 1792 were curtailed by the 1804 civil code or Japan following the restrictive civil code of 1898.[4] Little attention, however, was paid to Ireland's divorce provision,[5] a lacuna explained by the late availability of divorce in the Republic of Ireland and a wider neglect of family history which is currently being redressed.[6] Recent examinations of the Irish family challenge notions of the wholesale stability of the rural stem family with its defining features of male inheritance, heir-based marriage, legitimate progeny and intergenerational residence.[7] Rather, with falling and later marriage rates and migratory patterns which often lack European comparators, what is emerging is 'the story of crisis'.[8] Such a trope has recurring resonance in the history of divorce; it conjoins the experience of those in the wealthier classes, who could afford to divorce, with the life stories of other socio-economic groups. There is therefore an irony in the family being cast as a stabilising moral guardian to the extent that it, rather than its individual members, was defended in the 1937 Irish Constitution.[9] Although such constitutional protection was lacking in Northern Ireland, the family was central to its conservative moral terrain. This study therefore seeks to contribute to a more nuanced understanding of the Irish family which variously rallied to defend or disown the minority who sought to divorce.

Divorce was rare in Western Europe until the late-nineteenth century, and material relating to a minority as well as that compiled for legal

[4] French divorce law was again reformed in 1884. See Theresa McBride, 'Public authority and private lives: divorce after the French revolution' in *French Historical Studies*, vol. 17, no. 3 (Spring 1992), p. 750; Fuess, *Divorce in Japan*, p. 3.

[5] Fine exceptions are David Fitzpatrick, 'Divorce and separation in modern Irish history' in *Past and Present*, no. 114 (February 1987), pp. 172–96 and John Bergin, 'Irish private divorce bills and acts of the 18th century' in James Kelly, John McCafferty and Charles Ivar McGrath (eds.), *People, politics and power* (Dublin, 2009), pp. 94–121.

[6] See, for example, M. E. Daly, 'The Irish family since the Famine: continuity and change', *Irish Journal of Feminist Studies*, vol. 3, no. 2 (1999), pp. 1–21; Finola Kennedy, *Cottage to crèche. Family change in Ireland* (Dublin, 2001).

[7] D. Birdwell, 'The early twentieth-century stem family: a case study from Co. Kerry' in M. Silverman and P. H. Gulliver (eds.), *Approaching the past: historical anthropology through Irish case studies* (New York, 1992), p. 205.

[8] Lindsey Earner-Byrne, 'The family in Ireland, 1800–2015', in Thomas Bartlett (ed.), *Cambridge History of Ireland*, vol. 4 (4 vols., Cambridge, 2018), p. 626.

[9] Kennedy, *Cottage to crèche*, p. 123. See article 41.1.1, Constitution of Ireland (Dublin, 1937).

purposes needs to be carefully considered[10]: 'Not only were the divorcing minority often unique for their relative prosperity . . . but their willingness to expose their differences to public scrutiny also set them apart at a time when the stigma of divorce ran so deeply.'[11] Evidence presented in some divorce cases was fabricated. Money undoubtedly changed hands to encourage damning testimony and witnesses were, on occasion, imprisoned for perjury. A high level of collaboration and collusion between couples seeking to divorce, although strictly ruled against, was commonplace. Legal evidence was also constructed to maximise the odds of winning or defending a case. The demands of the law thus shaped the frame within which a case was presented. However, this study, much inspired by Lawrence Stone's approach which centred human experience within a legal and reformist backdrop, mines first-person writing like memoirs and diaries as well as correspondence to corroborate many of the claims made in the legal record.[12] This also allows the voice of petitioners, respondents and witnesses to be heard amongst the strictures of parliamentary and later court evidence to reveal the often-hidden reality of matrimonial discord. Indeed, 'No other branch of law deals in such a way with the interweaving of characters, the conflict of wills and the general wear and tear of daily life.'[13]

Some Irish divorces established legal precedent and generated considerable comment in their wake. The press coverage of divorce was extensive due to the upper-class nature of many petitioners and the often-salacious nature of the evidence. The long unfettered reportage of divorce also meant that intimate details of marital woes easily transgressed to the public sphere and individual cases were regularly published.[14] Yet, neither this attention nor the longevity of the history of Irish divorce produced a more popular knowledge regarding its availability. As Harry Vere White commented, there was a 'mistaken . . . common notion that Irish marriages are absolutely indissoluble'.[15] In addition, popular opinion towards divorce is hard to gauge. This was particularly marked in the earlier period; however,

[10] Phillips, *Putting asunder*, p. xiii.
[11] A. James Hammerton, *Cruelty and companionship. Conflict in nineteenth-century married life* (London and New York, 1992), pp. 3–4.
[12] Stone, *Road to divorce.*
[13] John M. Biggs, *The concept of matrimonial cruelty* (London, 1962), p. 3.
[14] The reporting of divorce cases was unregulated in the UK until 1926 and in Ireland until 1929. See Gail Savage, '"They would if they could": class, gender and popular representation of English divorce litigation, 1858–1908', *Journal of Family History*, vol. 36, no. 2 (2011), pp. 173–90.
[15] Harry Vere White, 'Divorce', *Irish Church Quarterly*, vol. 6, no. 33 (April 1913), p. 94. White was later dean of the Anglican Christ Church Cathedral, Dublin, 1918–21 and Bishop of Limerick, Ardfert and Aghadoe, 1921–33. Montgomery Hyde also noted the

even in the nineteenth century, it was the likelihood of reform which excited the most comment. Those publicising their views tended to reside firmly in pro- or anti-divorce camps; more moderate opine often remained unheard. Despite the polarisation, there was rarely a monolithic response to divorce from state, church or society. Indeed, the belief that the Catholic Church was the sole moral compass guiding Irish divorce provision is one of several popularly held assumptions that this study questions.

The grounds for divorce were also subjectively applied: spousal behaviour may be unacceptable to one person but not to another. Alleged marital misdemeanours therefore should be considered in relation to the other spousal party. The law of divorce also augmented as the mores of acceptable conduct within marriage altered and its history illuminates this often–cloaked aspect of marital life. Gender roles changed little up to the 1970s, but there were important shifts in attitudes relating to spousal behaviour. As Carolyn Conley highlights, the acceptability of domestic violence and unrestrained physical chastisement of wives lessened as men, gradually and unsteadily, became seen as the protectors of women.[16] The definition of marital cruelty also augmented, which allowed more women to seek protection, recompense and freedom. Views of divorced women similarly altered although often in contradictory ways. Frequently socially outcast, women's need for financial spousal support to fund a divorce and economically survive thereafter became acknowledged. This was embodied in the parliamentary position of the Lady's Friend who determined financial provision for wives being divorced.

To chart Ireland's engagement with divorce and the testing process of divorce law reform, the book's chronology stretches from the eighteenth century to as close to the present day as the annual release of divorce statistics allows. However, early Irish Brehon law allowed remarriage, divorce at will (*imscar*) and on the basis of mutual consent (known as 'blameless divorce'), but there were

misapprehension that in 'Ireland there was no divorce on any ground' (H. Montgomery Hyde, *A tangled web: sex scandals in British politics and society* [London, 1986], p. 18); Wood and O'Shea aver parliamentary divorce 'was never used' in Ireland (Kieran Wood and Paul O'Shea, *Divorce in Ireland. The options. The issues. The law* [Dublin, 1997], p. 11).

[16] See Carolyn A. Conley, *Melancholy accidents: the meaning of violence in post-famine Ireland* (Lanham and Oxford, 1999). Single motherhood, rape within marriage and illegitimacy would also be legally and culturally redefined in late twentieth-century Ireland (Earner-Byrne, 'The family in Ireland', p. 653).

various grounds for divorce.[17] These, like the later grounds, encompassed both property and propriety and were gender specific.[18] Numerous grounds existed whereby a wife could legally divorce her husband and retain all or part of her bride-price (*coibche*), property she brought to the marriage, obtain damages for injury and remain in the marital home: if her husband was adulterous; homosexual; failed to support her; slandered her or was indiscreet in discussing their marital relations; was leprous; hit her and left a mark; tricked her into marriage by the use of magic; was in holy orders; infertile; impotent or too corpulent for intercourse. Women could lose their bride-price or be fined for attempting to poison a spouse, failing to produce a 'bed blanket' on marriage which raised suspicions of virginity, allowing the deliberate destruction of wool or leaving a marriage too swiftly or without due cause although the length of time was unspecified.[19] A man could divorce a woman on the grounds of adultery, persistent theft, inducing an abortion on herself, shaming a husband's honour, smothering a child or being without milk through sickness, requirements which stress both the maternal function and the need for heirs. If infertility was the cause of a divorce, the equivalent of the bride-price would be returned by the party deemed at fault. The division of property was dependent on the grounds of the divorce and what each party brought to the union as well as the amount of household work performed. Yet, in an early example of class dictating access to divorce, this was a preserve of the wealthy and this social complexion strongly re-emerged in the modern history of divorce.[20]

The gendered grounds for divorce, the sexual double standard and the idea of female perseverance also survived in various forms, but whether these were inherited from the early Irish Brehon model or the canon/common law hybrid of the English legal system is difficult to decipher. The Brehon grounds were transcribed in the seventh century as part of the 'conversion to Christianity, with its emphasis on the authority of the

[17] Mutual consent developed in Roman law and was much contested in modern European divorce reform debates. See Chester, *Divorce in Europe*.

[18] On early Irish divorce see Fergus Kelly (ed.), *Marriage disputes. A fragmentary Old Irish Law-Text* (Early Irish Law Series, vol. 6, Dublin, 2014); Fergus Kelly, *A guide to early Irish law* (Dublin, 1998 reprint of 1988 edition), pp. 73–4 and Art Cosgrove (ed.), *Marriage in Ireland* (Dublin, 1985), pp. 8–10. Fines could also be levied to ally marital disputes (Kelly, *Marriage disputes*, p. 4).

[19] Kelly, *Marriage disputes*, p. 10 and p. 90. A father may have to assist his daughter with the payment of fines and would resume responsibility for her after her divorce (ibid., p. 4). As a commodity, the destruction of wool was deemed harmful to the economic interests of the household. See Clare Downham, *Medieval Ireland* (Cambridge, 2018), p. 197.

[20] Jennifer F. Spreng, *Abortion and divorce law in Ireland* (Jefferson, NC, 2004), p. 23.

written word and its own legal system'.[21] The eighth-century *Cáin Lánamna*, for example, is 'The Law of Couples'. This tract on marriage and divorce did not denote the grounds for divorce but focused on property when a union, depicted as 'a situation that could result in children', ended.[22] A gradual move to Anglo-Norman law evolved by the fourteenth century, but Gaelic forms of divorce only ended in the early seventeenth century.

The church was involved in divorce from the fourth century when Constantine sought to align church and state. Yet, church control was not absolute; it co-existed, and sometimes fused, with the civil regulation of marriage.[23] This was evident in legislation and marital cases heard in both the ecclesiastical and temporal (non-church) courts. Roman (civil) law was also highly influential in the early church.[24] As Roman law developed, divorce for causes such as adultery or a plot to murder gave both husbands and wives the right to divorce. Mutual consent as a ground for divorce subsequently emerged and remained in place until Justinian's tenth-century rebuke. Divorce was, however, controversial within the early church, and marriage became a matter of increasing ecclesiastical concern in continental Europe from the sixth century onwards. From the end of the ninth century to the first half of the eleventh century, the church established marital laws, developing from decretals, the papal rulings superseding Roman laws that were 'binding on all Christians'.[25] Canon law was subsequently introduced to England in the eleventh century. Although some of the early church councils permitted divorce for adultery, the anti-divorce stance of St Augustine triumphed at the 1545–63 Council of Trent: marriage was confirmed as a sacrament and was therefore indissoluble; only a non-legitimate marriage could be annulled.[26] Canon 7, for example, reasserted the teaching of St Paul and prohibited divorce:

> [T]he marriage bond cannot be dissolved because of adultery on the part of one of the spouses and that neither of the two, not even the innocent one . . . can contract

[21] From the ninth to the sixteenth centuries, 'glosses and commentary were written' (Charlene M. Eska, 'Varieties of early Irish legal literature and the *Cáin Lánamna* fragments', *Viator*, no. 1 [2009], p. 3 and p. 5). See also Charlene M. Eska, *Cáin Lánamna: An old Irish tract on marriage/divorce law* (Leiden, 2009).
[22] Ibid., p. 10.
[23] Kitchin, *History of divorce*, p. 31. Ecclesiastical courts were established from 1085.
[24] William G. Brooke, 'Rights of married women in England and Ireland', *The Irish Law Times and Solicitors' Journal*, vol. 7 (31 May 1873), p. 280.
[25] Kitchin, *History of divorce*, p. 60.
[26] Brooke, 'Rights of married women', p. 280. Marriage was a sacrament from the thirteenth century. The decrees of the Council of Trent only applied to countries which acknowledged papal supremacy. England was thus excluded.

another marriage during the lifetime of the other; and that the husband who dismisses an adulterous wife and marries again and the wife who dismisses an adulterous husband and marries again are both guilty of adultery.[27]

The popular movement against canon law enshrined in the sixteenth-century Reformation had a minimal impact on the law of divorce. However, outside of the Catholic Church, marriage ceased to be a sacrament; it was a secular and contractual union which could be dissolved.[28] In 1553 *Reformatio Legum Ecclesiasticarum*, the Reform of the Ecclesiastical Laws, would have heralded significant divorce reform, providing a system of Anglican law as an alternative to medieval canon law and recommending that 'in cases of adultery, malicious desertion, long absence, or capital enmities, the marriage ... should be dissolved, with liberty to the injured party to marry again, except in the case of capital enmities'. Edward VI's demise before its enactment left marriage as an indissoluble contract; only separation was permitted which forbade remarriage.[29] The 1646 Westminster Confession of Faith, following the teaching of St Matthew, however, permitted Presbyterian divorce and remarriage on the grounds of adultery or wilful desertion, but this was a seemingly rare occurrence.[30]

Separation, nullity, bigamy, spousal murder, fake pregnancy, procuring foundlings, impotency, desertion and migration all featured in Ireland's history of marriage and its dissolution.[31] Indeed, migration motivated by marital disharmony was so commonplace that it was referred to as Irish-style divorce by the mid-twentieth century.[32] Private deeds of separation were also used to end marriages.[33] Controversial and

[27] John McAreavey, *The canon law of marriage and the family* (Dublin, 1997), p. 44.
[28] Luther, for example, refuted marriage as a sacrament in 1517 (Stone, *Road to divorce*, pp. 3–5).
[29] Brooke, 'Rights of married women', p. 280. See also Arthur Browne, *A compendious view of the ecclesiastical law of Ireland* ... (2nd ed., Dublin, 1805).
[30] Sources are rare, but divorces secured in the Presbytery could be deemed bigamous and church ceremonies for second marriages could be denied. See Mary O'Dowd, 'Marriage breakdown in Ireland, c. 1660–1857' in Niamh Howlin and Kevin Costello (eds.), *Law and the family in Ireland, 1800–1950* (London, 2017), p. 12.
[31] See, for example, the 1770s impotency/fake pregnancy case of Grace Maxwell and her spouse Colonel John Maxwell of Co. Monaghan, later governor of the Bahamas. Grace sought to procure a foundling child and, binding herself with increasing amounts of fabric, present it as her own (Public Record Office of Northern Ireland [hereafter PRONI], D1556/17/4). Also see A. P. W. Malcomson, *The pursuit of the heiress. Aristocratic marriage in Ireland, 1750–1820* (Belfast, 1982), pp. 21–2. Women brought other cases of impotency to the ecclesiastical court. See, for example, Margery Walker v. Thomas Walker in the Consistorial and Metropolitan Court of Dublin, 1791 (PRONI, D2107/4/7). For bigamy, see, for example, Earl Annesley's 1796 marriage to Sophia Connor (née Kelly) (PRONI, D1503/3/8/10/9).
[32] Dorine Rohan, *Marriage Irish style* (Cork, 1969).
[33] See, for example, Lord O'Hara's discussion of his daughter's private separation in a letter to Lady O'Hara. The proposed alimony was £100 with half of the jointure given towards

often subject to legal challenge, private separations were never recognised by the ecclesiastical courts and barred the parties from remarriage. Common law's acceptance of these deeds in the eighteenth century decreased early in the following century when distaste for clauses which attempted to ban subsequent legal actions and seemingly encouraged adultery emerged.[34] Private separation deeds were, however, legally recognised as contracts from 1848 but could not be drawn up by women until the Married Women's Property Act of 1882.[35]

Wrongful confinement was another stratagem to control and punish an errant spouse. The mid-eighteenth-century case of Lady Belvedere was the most widely publicised Irish example, described by one legal writer as incomparable to 'all the cases of adultery which have happened of late years'.[36] In 1744, after eight years of marriage, Lord Belvedere suspected his wife, Mary Molesworth, of adultery with his brother, the Hon. Arthur Rochfort. Belvedere sought to avoid the financial toll of divorce by detaining his wife at his second seat, Gaulston Park in Co. Westmeath. At his main Westmeath estate, he erected the so-called jealous wall to obscure views of his brother's house.[37] Mary admitted a two-year affair, a potentially illegitimate child and the possibility of spousal poisoning in a letter, likely written under duress. She also made a plea common to the adulterous wife: 'O my lord, kill me yourself, but do not discover me to my father.' Mary's fear of her father was justified: he left her in an uncle's custody, declaring 'Damn the whore! let him make her a public example.' For twenty years, 'he was never heard to mention her name again . . . to the day of his death'; familial support was not therefore guaranteed to those who strayed from the marital bond; only Lord Belvedere's death secured Mary's liberty in 1774.[38]

the children's education and maintenance until the age of twenty-one and thereafter divided between the two sons (PRONI, T2812/10/1–27).

[34] Private deeds of separation continued to be executed in the nineteenth and twentieth centuries in both England and Ireland (Stone, *Road to divorce*, p. 181).

[35] Under the 1882 Married Women's Property Act, married women became *feme sole* regarding property and had the ability to contract (Fitzpatrick, 'Divorce and separation', p. 176).

[36] Francis Plowden, *Crim. con. biography*, vol. 1 (8 vols., London, 1830), p. 20. Plowden was also a historian who gained a reputation as a legal and political writer.

[37] Malcomson, *The pursuit of the heiress*, p. 37. Lord Belvedere was formerly Viscount Bellfield. Mary was the eldest daughter of the 3rd Viscount of Swords. She brought £6,000 to the marriage and bore four children. Always professing her innocence, she died in c. 1777.

[38] Plowden, *Crim. con. biography*, p. 25. John Hely-Hutchinson advised a similar containment to Jack [John] Bagwell, c. 1756 (PRONI, T3459/C/2/215). Hely-Hutchinson was a lawyer, member of the Irish parliament and provost of Trinity College Dublin, 1775–94. Wrongful confinement also featured in fiction. See, for example,

Although there were various means to end an unhappy union, some more permanent and satisfactory than others, only *divorce à vinculo matrimonii*, divorce from the bonds of marriage, allowed the parties to remarry whilst a spouse was living.[39] Its history dwells inevitably on marital malcontent and misdemeanours, but that should not obscure the longevity, stability and happiness of countless Irish unions. Yet, it is also clear that many remained in marriage as they lacked the financial, moral and at times legal means to pursue its termination. The multi-tiered and much maligned process of *divorce à vinculo matrimonii* compounded this. It was secured by a parliamentary act from the mid-seventeenth century; the process was still evolving when a pseudonymous tract queried, 'should not some more easy method be thought of, than now is practis'd, for relieving the party injur'd and oppress'd?'[40] The critique continued; in the nineteenth and early twentieth centuries, parliamentary divorce was described as 'cumbrous'[41] and 'of great peculiarity'.[42]

The first stage in securing a parliamentary divorce normally required a husband to bring a criminal conversation action against his wife's lover in the common law courts. Popularly abbreviated to crim. con., this suit developed in the late-seventeenth century although its roots lie in thirteenth-century cases for trespass and ravishment.[43] Trespass was the strongest inheritance from these origins as husbands were compensated for damage caused to their legal property: their wives. As spousal property, wives were barred from bringing these suits, proffering a defence or presenting evidence. The latter was permitted following the Evidence Further Amendment Act of 1869; however, although seemingly progressive, Judge Baron Dowse, sitting in the first Irish criminal conversation suit where he heard a wife give evidence in 1880, described placing a woman 'into the witness box to declare her own shame and by her own evidence carry the case in favour of her husband . . . the most painful case he ever had the misfortune to try'.[44]

Maria Edgeworth, *Castle Rackrent* (first published 1800, reprinted London, 1992) which features a seven-year imprisonment for Lady Rackrent.

[39] *Divorce à vinculo matrimonii* was also known as *divortium plenum* and *divortium perfectum*.

[40] 'Castamore', *Conjugium languens: or, the natural, civil, and religious mischiefs arising from conjugal infidelity and impunity* (London, 1700), pp. 27–8.

[41] Kitchin, *History of divorce*, p. 182.

[42] John Fraser Macqueen, *A practical treatise on the appellate jurisdiction of the House of Lords and Privy Council together with the practice on parliamentary divorce* (London, 1842), p. 194.

[43] Laura Hanft Korobkin, *Criminal conversations. Sentimentality and 19th-century legal stories of adultery* (New York, 1998), p. 16.

[44] The case was Joynt v. Jackson; £5,000 damages were claimed and £1,000 was awarded. The Joynts divorced in parliament in 1888. Richard Joynt was the editor of the *Ballina Herald*. See Anon., *Authentic report of the crim. con. trial of Joynt v. Jackson, in the Exchequer Court, Dublin, commencing May 10th, 1880* (Dublin, 1880), p. 28.

Criminal conversation was not part of Scottish law although it was possible to sue for damages. There was no equivalent to this action in parts of Europe like France or