

husband is not chargeable even for necessaries^u; at least if the person, who furnishes them, is sufficiently apprized of her elopement^w. If the wife be indebted before marriage, the husband is bound afterwards to pay the debt; for he has adopted her and her circumstances together^x. If the wife be injured in her person or her property, she can bring no action for redress without her husband's concurrence, and in his name, as well as her own^y: neither can she be sued, without making the husband a defendant^z. There is indeed one case where the wife shall sue and be sued as a feme sole, *viz.* where the husband has abjured the realm, or is banished^a: for then he is dead in law; and, the husband being thus disabled to sue for or defend the wife, it would be most unreasonable if she had no remedy, or could make no defence at all. In criminal prosecutions, it is true, the wife may be indicted and punished separately^b; for the union is only a civil union. But, in trials of any sort, they are not allowed to be evidence for, or against, each other^c: partly because it is impossible their testimony should be indifferent; but principally because of the union of person: and therefore, if they were admitted to be witnesses for each other, they would contradict one maxim of law, "*nemo in propria causa testis esse debet*;" and if against each other, they would contradict another maxim, "*nemo tenetur se-
ipsum accusare*." But where the offence is directly against the person of the wife, this rule has been usually dispensed with^d: and therefore, by statute 3 Hen. VII. c. 2. in case a woman be forcibly taken away, and married, she may be a witness against such her husband, in order to convict him of felony. For in this case she can with no propriety be reckoned his wife; because a main ingredient, her consent, was wanting to the contract: and also there is another maxim of law, that no man shall take advantage of his own wrong; which the ravisher here would do,

^u Stra. 647.^w 1 Lev. 5.^x 3 Mod. 186.^y Salk. 119. 1 Roll. Abr. 347.^z 1 Leon. 312. This was also the practice in the courts of Athens. (Pott. Antiqu. Stra. 633.)

b. 1. c. 21.)

^a Co. Litt. 133.^b 1 Hawk. P. C. 3.^c 2 Haw. P. C. 431.^d State trials, vol. 1. Lord Audley's case.