

HEWITT v. HEWITT.

ALIMONY.

Cruel and violent treatment of the wife by the husband, and his refusing to permit her to live with him; *held* to be sufficient ground to direct him to pay her a certain sum as alimony; the amount to be adjusted with a due regard to his circumstances. (a)

And as the several instalments became due, the payment, on petition by her, was enforced by an order to shew cause, followed by a *feri facias*.

This bill was filed, on the 7th of October, 1825, by Martha Hewitt, against Eli Hewitt, her husband, to obtain an allowance for alimony; upon the ground, that he had treated her with great cruelty and violence, and that he had positively refused to permit her to live with him, or to provide any adequate maintenance for her, although he had a large real and personal estate, as specified in a schedule exhibited with the bill.

To this bill the defendant immediately put in his answer, admitting the facts as stated; and it was agreed, that the Chancellor should pass such a decree, as he might deem proper, allowing alimony according to the schedule, which was admitted to be a correct representation of the nature and value of his estate. (b)

(a) See *Jamison v. Jamison*, 4 Md. Ch. 289; *Helms v. Franciscus*, 2 Bland, 544, 577.

(b) *CODD v. CODD*.—This bill was filed, on the 17th of February, 1727, by Mary Codd, against her husband St. Ledger Codd, in which she stated, that he had not only abused her with very opprobrious language, but had treated her in an inhuman and barbarous manner; that he had by his cruel treatment deprived her of the use of one of her arms; and had abandoned her, leaving her without support, to live in a manner common to few people except slaves; and that he had altogether refused to permit her to cohabit with him, notwithstanding her most humble and repeated solicitations. Whereupon, the bill prayed, that he might be compelled to make her such an allowance and maintenance as was suitable to his station and fortune, &c.

The defendant, by his answer, denied the alleged cruel treatment, and the having deprived her of the use of an arm; and he averred, that she had broken open his trunks and closets, and had taken thence a considerable amount of personal property which she had sold for spirituous liquor to drink; that her habits were such, that he could not live with her, and he had therefore built for himself a small house near to that in which he had formerly lived with her, and which he had left her still to occupy; and that he had been, and always was willing to allow her a suitable maintenance; but that his estate was small, unproductive, &c. After which the case was submitted on bill and answer alone.

CALVERT, C., 20th May, 1729.—*Decreed*, That the defendant pay to the complainant ten pounds per annum, by four quarterly payments; and it is also