

tion of this Court, has been placed beyond all further question, by an Act of Assembly, which declares, "that the Chancellor shall and may hear and determine all causes for alimony, in as full and

for not making away with her. She therefore humbly implored protection from his barbarous cruelties. And prayed that she might be permitted to live separate from him; that he might be obliged to allow her such a reasonable maintenance, as, upon consideration of his circumstances, might be thought proportionable thereto; that he might be required to give good security for the performance of what should be ordered, so that she and her poor children might not be left destitute, and that he might be ordered to deliver her clothes and other little necessaries to her, she being so stripped, that she had not wherewith to shift herself.

In this case, John Seymour, the Governor and Chancellor, associated to himself Major-General John Hammond, Judge of the Court of Vice-Admiralty, and one of the council of the Province. Whereupon, it was Ordered, that Thomas Macnamara be forthwith summoned to appear. And the officer having made return, that he had gone out of town, it was Ordered, that he should appear on the 16th instant, to answer the petition, and he appeared accordingly, but refused to answer.

SEYMOUR, C., 16th October, 1707.—The petition being read to Thomas Macnamara, he was ordered to answer thereunto, which he obstinately refused to do, offering a plea, *ore tenus*, to the Chancellor's jurisdiction of the matter, and pretending to support it by the practice of the spiritual Courts in England, which in the infancy, low circumstances, and present constitution of this Province, prevent us from being able to pursue for want of such Courts or maintenance for the proper officers of them. Wherefore, the Chancellor being convinced, not only by undeniable testimonies, but even by his own knowledge of the inhumanity and barbarity of the said Thomas Macnamara towards his wife, manifested not only to the Chancellor, but to all Her Majesty's Council in Assembly, before whom appeared, not long since, the said Margaret, so battered, bruised, and inhumanly beaten in most parts of her body, that had she not been of a constitution more than ordinarily strong, she could hardly have recovered it: and finding by daily expressions the said Thomas to be of a mad, turbulent, furious, and ungovernable temper; therefore, for the preservation of the poor petitioner's life,

It is Ordered, that during the time the said Thomas and Margaret shall continue separate, and until they shall mutually reconcile themselves to each other, and cohabit, he, the said Thomas, shall allow and pay to the said Margaret his wife, £15 sterling per annum, by quarterly, or at least by half-yearly payments, to commence from the sixteenth day of October. And it is further Ordered, that he forthwith deliver unto her the wearing clothes and other small necessaries to her belonging, herein particularly specified, viz: one gown, &c. &c. Ordered, likewise, that the aforesaid order be served immediately by the sheriff of Anne Arundel County upon the said Thomas, and that the said sheriff make return thereof.

From this order the said Thomas prayed an appeal to His Grace the Lord Archbishop of Canterbury in the Arches: and that he might have a copy of the aforesaid order to transmit to England.

SEYMOUR, C., 16th October, 1707.—Let the appeal be granted, as prayed; the said defendant performing, notwithstanding, the said order in all re-