

contract of marriage itself; yet, according to the provisions of this Act, it cannot allow itself to receive any matter as a sufficient ground for granting alimony alone, which would not be a sufficient foundation in England for granting a divorce *a mensa et thoro*, together with its incident alimony. *Wallingsford v. Wallingsford*, 6 H. & J. 485. (f)

(f) LYNTHCUMB'S CASE.—This case was a bill filed by Jane Lynthecumb against Gideon Lynthecumb, her husband.

OGLE, C., 14th March, 1738.—Upon hearing counsel of both sides, it is Ordered, that the defendant pay unto the complainant after the rate of three thousand pounds of tobacco per annum, as a separate maintenance for her during the continuance of this suit, or until further order, if the estate of John Ford, late husband of the complainant, be left under the care and management of the defendant.

Some time after which, the case appears to have been again brought before the Court.

OGLE, C., December, 1739.—Upon motion of the complainant's counsel, it is Ordered, that the defendant do not take from the complainant her bed, bed-clothes, furniture to the bed, and her wearing apparel.—*Chancery Proceedings, lib. J. R. No. 4, fol. 65, 146.*

SCOTT'S CASE.—This bill was filed on the 20th day of August, 1746, by Mary Scott, against Andrew Scott. In which it is stated, that the plaintiff had been married to John Abbington, who by his will appointed her his executrix, and soon after died seized and possessed of a very large real and personal estate, of which she obtained possession, and to the one-third of which she became entitled: besides which she was seized in her own right of several parcels of land; that, under these circumstances, she married the defendant, who thereupon took possession of all her personal estate and applied it to his own use; and at his earnest persuasion, she joined in conveying all her real estate to persons named by the defendant, for the purpose of having it re-conveyed to him in fee simple: that after she had thus put everything out of her own power, the defendant began and continued to use her with so much cruelty and inhumanity, that she could not cohabit with him without running a manifest hazard of her life, and an utter loss of all peace and quiet; that she was actually driven out of doors almost naked, and quite destitute of all the necessaries of life, and forced by him to fly for refuge and subsistence to her friends; that he had declared he never would cohabit with her, but would allow her thirty pounds per annum as a separate maintenance, with which she would have been content: but he has since refused to make her any allowance, and declared he would not allow her anything unless he was forced to do so; and that he is now actually about to depart from this Province for some part of Europe, as appears by the annexed affidavit. Whereupon it was prayed, that the defendant might be compelled to make to the plaintiff a competent allowance and maintenance: that she might have a writ of *ne exeat provinciam* against him, until the matter could be finally heard; and that she might have such other relief in the premises as might seem meet, &c.

With this bill there was filed an affidavit of George Parker, in which he states, that upon a difference between the defendant and his wife, he had