

Taking this to be the only correct ground upon which alimony should be awarded in any case by this Court; it follows, that in all

declared he would not cohabit with her, but would allow her thirty pounds a year as a separate maintenance; after which he said he would allow her only twenty pounds, and then that he would not allow her anything, unless he was forced to it; that he had said he would depart the Province in October next; and that the plaintiff was destitute of any support, and had nothing except a negro wench and an old horse.

The defendant, by his answer, admitted his marriage with the plaintiff, but alleged that after the payment of the debts of the plaintiff's former husband, her third of his personal estate was very small; that she had, as stated, conveyed to him a part of her real estate, but that it was in consideration of his relinquishing his interest in her dower to the children of her former husband, and of joining in conveyances to them of other parts of her real estate. This defendant denies that he ever used the plaintiff with cruelty or inhumanity, and avers that her behavior was so indecent, abusive, and turbulent, occasioned by her common and frequent drunkenness, that he could not cohabit with her; and was often obliged to leave his own home and go to a neighbor's to be out of her way; that he had, however, resolved to bear with her, and had continued to do so, until he became convinced that she had been guilty of the greatest crime a wife can be guilty of to a husband, and had thereby brought a foul disease upon him; when he told her he could no longer cohabit with her. He denies that he ever drove her out of doors, but told her she might go and live where she pleased, and he would allow her thirty pounds a year; and she accordingly went away, taking with her all her clothes, a negro woman, and a horse, saddle and bridle.

OGLE, C., October, 1747.—This case standing ready for hearing upon the bill and answer, the solicitors of the parties were heard, and the proceedings read and considered. Decreed, that the defendant pay unto the complainant thirty pounds current money yearly and every year, from the 20th day of August, 1746, during the joint lives of both parties, unless they shall be reconciled, and mutually agree to cohabit together; and in case of such reconciliation and cohabitation, the said payment to cease for the time to come, after such reconciliation, agreement, and cohabitation. And it is further Decreed, that the said Andrew Scott, on or before the last day of November, in this present year, give good security, to be approved of by this Court, for the payment of the said thirty pounds yearly and every year, as the same shall become due, to the use and separate maintenance of the said Mary, the complainant. And it is likewise Ordered, that the defendant pay to the complainant the cost of this suit by her in this cause laid out and expended.—*Chancery Proceedings, lib. J. R. No. 5, fol. 237.*

GOVANE'S CASE.—This bill was filed on the 30th day of October, 1750, by Anne Govane, by Charles Hammond, her father and next friend, against William Govane. The bill sets forth that the plaintiff, in the year 1740, being possessed of a personal estate to the value of £700 and upwards, and entitled to dower as the widow of Thomas Homewood, deceased, in several very valuable tracts of land, married the defendant, by virtue whereof he possessed himself of her personal estate and dower, and has thereby greatly increased his fortune. That he is of such a perverse, turbulent, and violent temper, that she has for some years past lived a very uneasy life with him,