

such cases the wife must shew, either that her husband has been guilty of adultery, or cruel treatment of her. What is cruelty, it

not only from the vile and abusive language with which he has treated her, but from several cruel and unprovoked beatings and whippings she has causelessly received from him: that from the threats he had uttered against her with a drawn sword, and other such destroying weapons in his hands, she was obliged in September, 1749, to leave his house: and for the preservation of her life, which she apprehended to be in great danger from his malice, to swear the peace against him. Soon after which, by the mediation of friends, and upon his fair promises of kindness and moderation for the future, she returned to his family, and behaved herself as a dutiful and obedient wife. But he has since, without the least provocation or cause, violently abused her, and repeatedly threatened to kill her, and thereby forced her from his house; and threatens that he will revenge himself of her by selling all his estate and her dower interest, and carrying the proceeds to Rhode Island, where he has declared he very soon intends to go, so as to leave her utterly destitute of any support or maintenance; that he has warned several storekeepers not to trust her, with a malicious view of exposing her, contrary to all truth, as an expensive wife, and thereby offering a pretence for his many acts of cruelty towards her, or of depriving her of the common necessaries of life. Whereupon it was prayed, that a separate maintenance might be awarded to her, suitable to his circumstances and the estate she brought him; and that he might, by a *ne exeat provinciam*, be prevented from leaving the Province without the leave of the Court, and to her prejudice. The plaintiff Ann made an affidavit before a justice of the peace of the facts thus set forth in her bill.

The defendant put in his answer, in which he admits their marriage, but avers that her personal estate was not so valuable as she alleged, and so far from increasing his fortune from the profits of her estate, the whole, consisting principally of negroes and her dower, could not be made to clear itself, but had actually brought him annually in debt; that soon after their marriage he discovered she had an exceedingly jealous disposition, insomuch so that no woman, even a relation or a white servant, could come into his company without exciting her jealousy; in consequence of which he made it his business to tarry at home, and when called abroad to return at night. That in April, 1749, in a jocular conversation in the hearing of the plaintiff, between him and a woman in the neighborhood, who had bantered him for being intimate with a certain woman since dead, the plaintiff was thereupon seized with so implacable a jealousy and hatred against him, that notwithstanding his many asseverations of his innocency, she treated him with the most opprobrious and scurrilous names, and continued to do so for many months.—[*Govane v. Govane*, 1 H. & McH. 346.] That however perverse and turbulent his temper may be, which he does not admit, it cannot be more so than her's with regard to him and all about her; that whatever weakness of temper he may have, he has nothing of rigor, severity, or cruelty in his nature, and never treated her with any vile or abusive language, but when she was most flagrantly the first aggressor, or laid hands on her but on just provocation and absolute necessity, when she committed the first assault, of which, were it proper, he could produce such instances as would astonish this Court and all mankind. That in the summer of 1749, upon any difference happening between them, she frequently in the night left his house and went to that of his overseer's, or to that of his overseer's father's, where she was kept, and spirited up to take the most violent steps to the dishonor of