

of actual bodily harm, may be deemed cruel treatment, but not mere rudeness of language. *Harris v. Harris*, 1 *Eccles. Rep.* 204;

which her former husband Thomas Homewood was seized of, that the use and occupation thereof shall be deemed as a satisfaction for £50 per annum of the said £92 per annum. And that, moreover, the defendant give sufficient security in the penalty of £700 current money, to the said Charles Hammond, in his own name, but in trust for the complainant, to pay to the complainant, or to the said Charles Hammond to the use of the complainant £42 current money on the last day of August, yearly, and every year, until the complainant and defendant shall agree to cohabit together: the first payment to be made the last day of August, seventeen hundred and fifty-three. But in case the defendant will not surrender and give up the said land, on or before the last day of August, that then the defendant do pay the complainant the aforesaid £92 currency on the last day of August, yearly, and every year, until they shall mutually agree to cohabit together; the first payment to be made on the last day of August, seventeen hundred and fifty-three; and give sufficient security in the penalty of £1,500 current money, to the said Charles Hammond in his own name, but in trust for, and to the use of the complainant. And that the defendant do pay all the costs of this suit.

After which the case was again brought before the Court for further directions as to costs.

TASKER, C., 14th August, 1752.—It is Ordered, that the attendance of the commissioners in the execution of the commission issued in this cause, and also of the clerk to the said commissioners, and their expenses be settled by the register of this Court, and that the complainant and defendant immediately pay each of them one-half of the said charge; and that the money to be paid to the commissioners and clerk wait the event of this suit.

Immediately after which, the defendant prayed an appeal, upon which the case was again submitted.

TASKER, C., 14th August, 1752.—Upon motion this day of the defendant's counsel for an appeal in this cause, and lodging a bond in Court for the prosecution of the said appeal, and upon hearing the arguments of the counsel on both sides, this Court hath thought fit, and doth accordingly Order, that an appeal be granted. And notwithstanding which, as the defendant is obliged by law to support the complainant his wife, and that she has no other support but what he ought to provide for her, and that without such provision she must be destitute of the necessaries of life: it is therefore Ordered by this Court, that notwithstanding the said appeal, the defendant pay the sum of £163 11s. 6d. current money to the complainant, and the sum of £92 current money per annum, according to the decree, until the appeal shall be determined.

Some time after, the parties having come to an agreement in relation to the matter in controversy, again submitted their case.

TASKER, C., 31st October, 1752.—Forasmuch as this Court is this present day informed, as well by the complainant's counsel as the defendant's counsel, that since the decree made in the above cause, and since the granting an appeal from the said decree, that the complainant and defendant