

that her conduct, during the entire period of her marriage, has been correct, faithful and irreproachable; and these averments are verified by affidavit. There can, therefore, be no doubt, I think, notwithstanding the criminations of the answer, which charges her with adultery, and intoxication, that she is entitled to temporary alimony, and money to carry on the suit, and I feel myself bound to make such allowance, without, in any manner, intimating an opinion upon the merits. The only question, then, is, as to the amount of this allowance, and although the evidence in regard to the circumstances of the defendant is a little contradictory, I consider it better to proceed to make the allowance now, than subject the parties to the additional expense of taking proof upon the subject. The allowance will be made with due regard to the moderate circumstances of the defendant, and upon the presumption, (warranted by the proof,) that the wife is capable of making some exertion for her own support.

It is, therefore, ordered, this 20th day of December, 1850, that the defendant pay to the plaintiff, the sum of one hundred dollars a year, in quarterly payments, to be computed from the first day of January next; and that this allowance is to continue, until further order, and be subject to variation as future circumstances may require. And it is further ordered, that the defendant, within thirty days from the date of this order, pay the plaintiff the sum of forty dollars, to enable her to carry on this suit.

[Upon the hearing of the cause upon the merits, the following opinion was delivered, which renders a statement of the evidence, taken under the commission, unnecessary:]

THE CHANCELLOR:

This is an application for a divorce, *a mensa et thoro*, under the provisions of the 3d section of the act of 1841, ch. 262, which authorizes the Chancellor, or the county courts, as courts of equity, to grant such qualified divorces, upon the ground, *first*, of cruelty of treatment, and, *secondly*, of excessive vicious conduct, abandonment and desertion. The appli-