

THE CHANCELLOR:

This is a bill filed by the complainant, praying that alimony may be allowed her out of the estate of her husband, the defendant, between whom and herself a separation in fact exists, and has existed since the year 1829.

The bill was filed in 1831, and alleges that for three or four years preceeding, the conduct of the defendant towards her had been harsh, unkind and cruel, inconsistent with his duties as a husband and her claims as a wife. That on many occasions he had offered violence to her person, assaulting and beating her in an inhuman manner, notwithstanding she continued to live with him for the sake of her children, hoping that a better spirit would change his heart towards her, and restore her to his kindness and confidence. That the defendant has recently sold all his household furniture, except enough to furnish one room, which he has given to her, which she has at her boarding house, and that the only allowance he makes is barely sufficient to pay her board.

To this bill there was a demurrer, but by the Chancellor's decree of the 17th of January, 1833, the demurrer was overruled, and the defendant ordered to put in a good and sufficient answer, on or before the first day of the ensuing March.

The answer was accordingly filed on that day, in which the allegations of cruelty and ill treatment were denied, and in which, after insisting that the defendant had always desired to live on terms of affection with the complainant, it was averred that the separation was the result of the unreasonable and extravagant conduct of his wife, and her hasty and ungovernable temper, which upon one occasion impelled her to acts of personal violence to his person. That unable to live longer with his wife, he, the defendant, broke up housekeeping, offering at the same time to her that she should select a boarding house suitable to her condition and his means, which, with a proper allowance for her personal expenses, he would pay. That she did select such a boarding house for her accommodation, for which he has since paid at the rate of five dollars per week, a sum believed by him to be ample for the purpose, and more