

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

tained possession, and to the one-third of which she became entitled ; besides which she was seized in her own right of several parcels of land ; that, under these circumstances, she married the defendant, who thereupon took possession of all her personal estate and applied it to his own use ; and at his earnest persuasion, she joined in conveying all her real estate to persons named by the defendant, for the purpose of having it re-conveyed to him in fee simple ; that after she had thus put every thing out of her own power, the defendant began and continued to use her with so much cruelty and inhumanity, that she could not cohabit with him without running a manifest hazard of her life, and an utter loss of all peace and quiet ; that she was actually driven out of doors almost naked, and quite destitute of all the necessaries of life, and forced by him to fly for refuge and subsistence to her friends ; that he had declared he never would cohabit with her, but would allow her thirty pounds *per annum* as a separate maintenance, with which she would have been content ; but he has since refused to make her any allowance, and declared he would not allow her any thing unless he was forced to do so ; and that he is now actually about to depart from this province for some part of Europe, as appears by the annexed affidavit. Whereupon it was prayed, that the defendant might be compelled to make to the plaintiff a competent allowance and maintenance ; that she might have a writ of *ne exeat provinciam* against him, until the matter could be finally heard ; and that she might have such other relief in the premises as might seem meet, &c.

With this bill there was filed an affidavit of George Parker, in which he states, that upon a difference between the defendant and his wife, he had 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 any thing, 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 behaviour 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 neighbour'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.

October, 1747.—OGLE, Chancellor.—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