

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

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agree to cohabit together; and in case of such reconciliation and cohabitation, the said payment to cease for the time to come, after such reconciliation, agreement, and cohabitation. And it is further *Decreed*, that the said Andrew Scott, on or before the last day of November, in this present year, give good security, to be approved of by this court, for the payment of the said thirty pounds yearly and every year, as the same shall become due, to the use and separate maintenance of the said Mary, the complainant. And it is likewise *Ordered*, that the defendant pay to the complainant the cost of this suit by her in this cause laid out and expended. — *Chancery Proceedings, lib. J. R. No. 5, fol. 237.*

GOVANE'S CASE.—This bill was filed on the 30th day of October, 1750, by Anne Govane, by Charles Hammond, her father and next friend, against William Govane. The bill sets forth that the plaintiff, in the year 1740, being possessed of a personal estate to the value of £700 and upwards, and entitled to dower as the widow of Thomas Homewood, deceased, in several very valuable tracts of land, married the defendant, by virtue whereof he possessed himself of her personal estate and dower, and has thereby greatly increased his fortune. That he is of such a perverse, turbulent, and violent temper, that she has for some years past lived a very uneasy life with him, 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 truth 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