

actual bodily harm, may be deemed cruel treatment, but not mere rudeness of language. (a)

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*per annum*, for her support and maintenance, from the commencement of this suit until this present time. And it is further *Decreed*, that the defendant pay the complainant £92 for her separate maintenance on the last day of August, yearly, and every year, until they shall mutually agree to cohabit together. And the complainant, by her counsel, offering to accept of her dower in the lands her said late husband died seized of, and which the defendant is, in right of the complainant, possessed of or entitled unto, at the value of £50 current money *per annum*, to be allowed out of such annual sum as the defendant should be decreed, by this court, to allow the complainant for alimony or separate maintenance; therefore, if the defendant will give up and surrender by deed under his hand and seal to Col. Charles Hammond, in trust, for and to the use of the complainant the lands which the defendant holds in right of the complainant as her dower of the lands 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.

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

14th August, 1752.—TASKER, Chancellor.—It is *Ordered*, that the attendance of the commissioners in the execution of the commissions 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.

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

14th August, 1752.—TASKER, Chancellor.—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

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(a) *Harris v. Harris*, 1 Eccles. Rep. 204; *Waring v. Waring*, 1 Eccles. Rep. 210; *Evans v. Evans*, 4 Eccles. Rep. 310; *Oliver v. Oliver*, 4 Eccles. Rep. 429; *Kirkman v. Kirkman*, 4 Eccles. Rep. 438; *Holden v. Holden*, 4 Eccles. Rep. 452.