

Where the husband has no estate, there can be no alimony. Standing of the wife to attack conveyances by the husband, in fraud of her rights. *Feigley v. Feigley*, 7 Md. 537.

Alimony may be granted where there is no divorce. *Jamison v. Jamison*, 4 Md. Ch. 295; *Dunnock v. Dunnock*, 3 Md. Ch. 143. And see *Wright v. Wright*, 2 Md. 449; *Crane v. Meginnis*, 1 G. & J. 475.

Alimony may only be granted in cases which justify a divorce *a mensa*. *Wagoner v. Wagoner*, 77 Md. 195; *Helms v. Franciscus*, 2 Bl. 565. Cf. *Jamison v. Jamison*, 4 Md. Ch. 294.

Alimony may be allowed a wife after an appeal by her from an order dismissing her bill for divorce. *Rohrback v. Rohrback*, 75 Md. 319.

The decisions of the English ecclesiastical courts constitute precedents in applications under this section. Effect of a voluntary deed of separation upon an application for divorce. *J. G. v. H. G.*, 33 Md. 406.

Cited but not construed in *Barber v. Barber*, 21 How. 597.

As to divorce, see sec. 37, *et seq.*

An. Code, sec. 15. 1904, sec. 15. 1888, sec. 15. 1841, ch. 262, sec. 3.

15. In cases where a divorce is decreed, alimony may be awarded.

See notes to sec. 14.

An. Code, sec. 16. 1908, ch. 324.

16. In any decree for divorce against a non-resident, where alimony is prayed in the bill of complaint, and the same sets forth that the non-resident defendant is possessed of property in the State, the court shall have full authority to award alimony, and any property in the State of any person against whom alimony may be so awarded shall be liable for the same and subject to such decree as the court may pass in the premises. Any order of the court awarding alimony *pendente lite* shall have the same force and effect as in decree for divorce.

Amendment.

An. Code, sec. 17. 1904, sec. 16. 1888, sec. 16. 1854, ch. 230.

17. Upon application of either plaintiff or defendant to any court of equity, he shall have the right, upon payment of such costs as the court may direct, to amend at any time before final decree, the bill of complaint, answer, pleas, demurrers, or any of the proceedings in any cause before the court, so as to bring the merits of the case in controversy fairly to trial.¹

This section was intended to enlarge the time within which amendments might be made. There is no appeal from the action of the court upon an application to amend. *Snook v. Munday*, 96 Md. 515; *Calvert v. Carter*, 18 Md. 107; *Warren v. Twilley*, 10 Md. 46.

Where no laches can be imputed to the applicant, new facts having been discovered during the progress of the cause, leave should be granted to amend, though the matter is within the discretion of the trial court. *Glenn v. Clarke*, 13 Md. 602.

¹Sec. 18 of art. 4 of the Constitution gives the court of appeals power to make rules which shall have the effect of law. Rule 17 of the general equity rules, adopted November 21, 1919, reads as follows:

The court shall at any time before final decree, in furtherance of justice and upon such terms as to payment of costs as may be just, permit any bill, answer, process, proceeding, pleading, or record to be amended, or material supplemental matter to be set forth in an amended or supplemental pleading. The court at every stage of the proceeding shall disregard any error or defect in the proceedings or pleadings which does not affect the substantial rights of the parties. A further and better statement of the claim or defense or further and better particulars of any matter stated in any pleading may be permitted upon order of court.