

The term "cruelty of treatment," must be understood in a technical sense. The causes must be grave and weighty, and such as show an absolute impossibility that the duties of the married life can be discharged. *Childs v. Childs*, 49 Md. 514. And see *Hawkins v. Hawkins*, 65 Md. 108.

Cruelty of treatment justifying a divorce under this section, held to have been proven. *Sharp v. Sharp*, 105 Md. 581; *Freeny v. Freeny*, 80 Md. 406; *Hawkins v. Hawkins*, 65 Md. 108; *Lynch v. Lynch*, 33 Md. 331; *Levering v. Levering*, 16 Md. 219; *Tayman v. Tayman*, 2 Md. Ch. 399; *Ricketts v. Ricketts*, 4 Gill, 108. *Cf.* *Goodhues v. Goodhues*, 90 Md. 292; *Shutt v. Shutt*, 71 Md. 193; *Hoshall v. Hoshall*, 51 Md. 74; *Coles v. Coles*, 2 Md. Ch. 351; *Daiger v. Daiger*, 2 Md. Ch. 339. And see *Bowie v. Bowie*, 3 Md. Ch. 54.

Allegations if proved held to amount to "gross misconduct" under this section. See notes to sec. 14. *Outlaw v. Outlaw*, 118 Md. 503.

Cursing and use of vile epithets does not constitute excessively vicious conduct or cruelty. *McKane v. McKane*, 152 Md. 515.

Meaning of "cruelty" under this section; technical word. Adultery. Alimony. *Wendel v. Wendel*, 154 Md. 21. And see *Proudfoot v. Proudfoot*, 154 Md. 586.

Evidence of cruelty sufficient to justify divorce *a mensa*. *Schwab v. Schwab*, 144 Md. 49.

Property rights.

Where a wife during coverture voluntarily and without fraud or undue influence, conveys her property to her husband or permits him to appropriate it with her consent and without any promise to restore it, a divorce does not vest her with an equitable title to such property. A decree of divorce has no retroactive effect and does not restore the parties to their former condition. Effect of a divorce upon property held as tenants by the entireties. *Reed v. Reed*, 109 Md. 692; *Tyson v. Tyson*, 54 Md. 37.

A divorce *a mensa* does not dissolve the marital relation, and does not deprive the widow of her dower or interest in her husband's personal property. *Hokamp v. Hagaman*, 36 Md. 517.

The power of the court to award the wife "such property as she had when married," does not depend upon the cause of the divorce, or the conduct of the husband, but upon the circumstances of the husband at the time of the divorce. The law is not intended as a punishment of the husband, but to protect the wife for the future. *Tyson v. Tyson*, 54 Md. 37.

After a divorce *a mensa*, where a wife has been awarded the property which she had when married, the husband need not join in an answer to a suit concerning the wife's separate property. *Krone v. Linville*, 31 Md. 145.

For case applying the portion of this section relative to wife's being awarded "such property as she had when married," see *Tayman v. Tayman*, 2 Md. Ch. 400.

Abandonment.

In order to constitute desertion, separation and intention to abandon must concur, but they need not be identical in their commencement. Abandonment made out. *Muller v. Muller*, 125 Md. 76. *Cf.* *Polley v. Polley*, 128 Md. 62; *Hubbard v. Hubbard*, 127 Md. 620.

An allegation of abandonment held to be supported by the evidence and to justify a divorce under this section. To justify a husband and wife in living apart, the reasons must be grave and weighty. What amounts to desertion. *Buckner v. Buckner*, 118 Md. 113.

Where a wife leaves her husband after he has abused her, accused her of improper conduct and ordered her to leave, she may secure a divorce under this section. *Pattison v. Pattison*, 132 Md. 368.

What constitutes abandonment under this section; abandonment not made out. *Young v. Young*, 136 Md. 85.

Separation and intention to abandon must concur, but need not begin at same time, and divorce may be granted on ground of abandonment without regard to duration. Refusal of wife of marital rights. *Klein v. Klein*, 146 Md. 29. And as to refusal of marital rights, see *Miller v. Miller*, 153 Md. 213; *McKane v. McKane*, 152 Md. 515.

No abandonment such as law recognizes as ground for divorce; resumption of marital relations. Amount and duration of alimony; counsel fee. *Daiger v. Daiger*, 154 Md. 503.

Though abandonment has not continued for three years, partial divorce may be decreed where divorce *a vinculo* is prayed. Wife's continued absence caused by offensive letters and unwillingness for reunion. Refusal to renew marital relations. *Downs v. Downs*, 154 Md. 434.

Divorce *a mensa* may be granted for abandonment and desertion without regard to its duration; elements necessary to constitute abandonment are cohabitation ended and intention to desert. Alimony; counsel fees. *Miller v. Miller*, 153 Md. 217.

Decree awarding permanent alimony does not preclude wife from securing divorce *a mensa* by subsequent suit where separation of parties has continued. Injunction against disposing of property. *Mann v. Mann*, 144 Md. 523.