

a sale; and there is besides direct evidence, of a character so strong, that in my judgment no reasonable doubt can be entertained upon the subject. I shall therefore send this case to the Auditor, with directions to state an account between the parties in the usual manner, and report the same to this Court for its further order.

GEO. H. WILLIAMS, for Complainant.

DOROTHY E. DUNNOCK, BY HER
NEXT FRIEND,
VS.
SAMUEL DUNNOCK AND LEVIN
DUNNOCK.

SEPTEMBER TERM, 1852.

[ALIMONY—DIVORCE—PRACTICE—JURISDICTION.]

UNDER the prayer for general relief, the plaintiff may have any relief consistent with the specific relief prayed, which may be warranted by the allegations of the bill.

Where the whole object of the bill and the specific relief prayed for is a separate maintenance or alimony to the wife, so long as the separation between her and her husband may continue, it may well be doubted if a divorce, *a mensa et thoro*, could be granted under the prayer for general relief.

Under the Act of 1841, ch. 262, and its supplements, alimony is an incident to the power of granting divorces, and cannot be awarded to the wife except as a consequence of the exercise of such power.

But the Act of 1777, ch. 12, sec. 14, giving the Chancellor as full authority in cases of alimony as the Ecclesiastical Courts have in England, is not repealed by the Act of 1841, ch. 262.

Upon a proper case, this Court will grant the wife alimony, or a suitable maintenance by the husband, or out of his estate, though a divorce, *a mensa et thoro*, be not asked for.

The wife under certain circumstances is entitled to alimony, to be paid by the husband, or out of his estate, but no case has been found where the Court, upon an application for alimony, has investigated the character of alienations of property made by the husband, so as to compel his alienor to pay the allowance to the wife.