

the defendant's counsel upon the 14th section of the act of February session, 1777, ch. 12, the language of which has been already cited. The Chancellor does not concur in this construction of the law. It gives to the Chancellor power "to hear and determine all causes for alimony in as full and ample manner as such causes could be heard and determined by the laws of England in the ecclesiastical courts there." It therefore gives full and complete jurisdiction over the subject of cases for alimony, but there is nothing in the language employed in the section which necessarily restricts the court to the circumstances and causes which would entitle the party applying for alimony to a divorce according to the ecclesiastical law of England. The Chancellor is to hear and determine causes for alimony as fully, and with as much authority as similar causes are heard in the ecclesiastical courts, but it does not follow that in granting relief he is confined to the same grounds which must be shown in those courts to entitle the wife to a divorce, *a mensa et thoro*. If, indeed, the court can only decree alimony where a similar decree can be obtained in the ecclesiastical courts, or the English chancery, and it can only be obtained there as a consequence of a divorce, *a mensa et thoro*, then no decree for alimony could ever have been passed in Maryland from the passage of the act of 1777 to the act of 1841, unless the legislature had previously divorced the parties. The Chancellor thinks that such cannot be the true construction of the act of 1777. If it is, then, in every bill for alimony it should have been averred to give the court jurisdiction that the legislature had previously separated the parties, and yet it is believed such averment has not been introduced, or considered necessary. It is certain no such averment is to be found in the bill in this case, which has been ruled sufficient upon demurrer.

Supposing, then, that a preliminary act divorcing these parties, *a mensa et thoro*, was not necessary to give the court jurisdiction to decree the wife alimony, the question remains whether the facts which the Chancellor considers established in this case entitle her to that relief? These facts are separation,