

An. Code, sec. 12. 1904, sec. 12. 1888, sec. 12. 1799, ch. 79, sec. 3. 1820, ch. 161, sec. 5.

12. A bill of revivor or supplemental bill in the nature of a bill of revivor may be filed instead of a suggestion of the death of the party, and notice thereof shall be given to the party against whom the same may be filed, if a resident of this State, by subpoena, or service of a copy of such bill of revivor or supplemental bill, as the court may direct; or if the party be a non-resident, or secrete himself, or evade the service of the summons or copy, or if the residence of the party be unknown, then notice by publication may be given as against non-resident defendants.

This section shows that secs. 1, 2 and 224 do not abrogate the mode of reviving a suit by bill of revivor. *Sinclair v. Auxiliary Realty Co.*, 99 Md. 232. And see *Hall v. Hall*, 1 Bl. 130.

Cited but not construed in *Neale v. Hagthorp*, 3 Bl. 573.
See notes to sec. 1.

An. Code, sec. 13. 1904, sec. 13. 1888, sec. 13. 1831, ch. 311, sec. 14. 1843, ch. 40.

13. No suit in equity shall abate by the marriage of any of the parties, but on application of any of the parties the court may, on such terms and notice as it shall deem proper, allow and order any amendment in the pleadings, and the making of any new or additional parties that such marriage may render necessary or proper.

Cited but not construed in *Hall v. Hall*, 1 Bl. 132, note (e).

Alimony.

An. Code, sec. 14. 1904, sec. 14. 1888, sec. 14. 1777, ch. 12, sec. 14.

14. The courts of equity of this State shall and may 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.

In states (such as Maryland) where alimony is regarded as a maintenance for the wife's support out of the husband's income, and not as a division of property, equity has jurisdiction to modify the part of a decree providing for alimony, whether a divorce *a vinculo* or *a mensa* be granted. When alimony is so regarded, the wife's remarriage ordinarily relieves the former husband of the payment of alimony. When a husband and wife agree as to alimony and the court regards the agreement as fair and proper, it may be incorporated in the decree; the court has the same control, however, over such decree as if there had been no agreement. Features of agreement the court will not modify. In divorce cases, courts of equity are governed by the principles of the Ecclesiastical courts of England so far as they are consistent with our Code. *Emerson v. Emerson*, 120 Md. 589 (*cf.* dissenting opinion).

When the allegations of a bill are sufficient to support either form of divorce, they are sufficient to support a bill for alimony alone. No matter will be received as a sufficient ground for alimony alone which would not be a sufficient foundation in England for granting a divorce *a mensa*, together with its incident alimony. *Outlaw v. Outlaw*, 118 Md. 502.

A wife may sue for alimony although she does not ask for divorce, but the allegations of the bill must be sufficient to support a divorce. Alimony *pendente lite* will not be allowed a wife who has ample means. Amount of alimony where there are children. *Hood v. Hood*, 138 Md. 360.

Alimony will not be allowed unless there is a sufficient ground for a divorce. Nature of alimony. *Polley v. Polley*, 128 Md. 63.

To give jurisdiction under this section, one of the parties must be domiciled in Maryland. The fact that the husband has property in this state is immaterial. Definition and nature of alimony. *Keerl v. Keerl*, 34 Md. 25; *Wallngford v. Wallngford*, 6 H. & J. 488. (Both cases decided prior to the adoption of sec. 16.)