

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, 1924, sec. 14. 1912, 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 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; *Wallingsford v. Wallingsford*, 6 H. & J. 488. (Both cases decided prior to the adoption of sec. 16.)

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; *Wilcox v. Wilcox*, 150 Md. 122; *Melson v. Melson*, 151 Md. 205.

Alimony may be granted where there is no divorce. *Jamison v. Jamison*, 4 Md. Ch. 295; *Dunnoek v. Dunnoek*, 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. 38, *et seq.*

Alimony can only be allowed upon such allegations and proof as would justify the granting of a divorce. *Winkel v. Winkel*, 176 Md. 167.

In awarding alimony, court cannot require husband to pay charges for taxes, public dues, etc., to convert debts into alimony or award exclusive use of home owned by husband and wife as tenants by the entireties. *Roberts v. Roberts*, 160 Md. 522.

Cited but not construed in *Bushman v. Bushman*, 157 Md. 172; *Wald v. Wald*, 161 Md. 500.

Under this section and sec. 15, held that suit for alimony must be brought in jurisdiction where defendant resides and alimony proceeding cannot be amended to a divorce proceeding, in which alimony is made incident thereto. *Woodcock v. Woodcock*, 169 Md. 40.

This section referred to in construing Sec. 15. *Staub v. Staub*, 170 Md. 208.

See notes to sec. 39.

An. Code, 1924, sec. 15. 1912, 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.

Cited but not construed in *Bushman v. Bushman*, 157 Md. 172; *Wald v. Wald*, 161 Md. 500.