

Houston v Moore, (1820) 5 Wh. 1 at p 69, Marriage, Divorce and Separation, vol. 2, sec. 1619, p. 616.

The next important question in connection with the decree is that of alimony. The following figures for the United States for the year 1916 are of interest: (U.S. Report, p 22).

Per cent. of divorces granted in 1916.

To Husband		To Wife	
Alimony Asked	Granted	Asked	Granted
6	5	27	20

In the United States, England and Canada, the law is almost the same, and may be stated quite briefly. The final decree may be withheld pending the settlement of alimony and arrangements therefor.

Two types of alimony are known to the law:

1. Alimony *pendente lite*—based on the right of a wife to support; during the proceedings from their very nature she can not co-habit with her husband; therefore he must support her elsewhere. It is usually calculated by adding the wife's income to that of her husband, taking one-fifth of the total, and deducting from that the wife's income, the result being the alimony if any which is to be paid. If this sum is unreasonably large it may be reduced.

2. Permanent alimony—usually calculated on the basis of dower of one-third of the husband's income, but the wife's need and the husband's faculties are considered.

The wife being by common law under no circumstances to be required to maintain her husband nor contribute to his support can never be compelled to pay alimony; some of the States have provided statutory exceptions to this rule. Alimony, unlike the general subject of divorce, is a matter in which the public can have little or no special interest, and therefore any just bargainings of the parties concerning it will not be regarded as collusion, but will be upheld. Besides alimony, the wife may be allowed a sum for costs in bringing or defending an action. Alimony in amount is subject to variations from time to time as circumstances, needs, and pecuniary conditions of the parties change. In some instances alimony has even been allowed to a guilty wife. Parliament's attitude to alimony is similar to its view of the custody of children.

In regard to property generally, the parties to a divorce after a decree has been granted can convey free from dower