

Woods
v.
N. M. Comp.

quire. But the act contains no such provision. If the construction for which the petitioner contends, is the true construction, the corporation must pay to all who are injured what they may be disposed to demand, or be liable to this process in every case, at every term of this court in this county. Such a construction is manifestly calculated to be too vexatious and inconvenient to the corporation to be admitted, without strong and cogent reasons to support it. Such reasons we do not find, we have, therefore, no hesitation in rejecting that construction.

ELIZABETH WHITE *versus* JOSEPH WHITE.

A wife filed a libel for a divorce, on the ground that the husband, being of sufficient ability, had neglected for five years together to make any provision for her support. But it not appearing on the face of the libel where the marriage was solemnized, nor that the husband had ever been an inhabitant of this state, the court refused to take cognizance of the cause.

THIS was a libel for a divorce. The libellant alleged, that on the 17th June, 1818, being sole and unmarried, and called Elizabeth Cotton, of Portsmouth, in the county of Rockingham, she was lawfully joined in marriage, by the Reverend Paul Dean, with Joseph White: that she had at all times, since their intermarriage, as aforesaid, treated the said Joseph in a faithful and affectionate manner, and in all respects observed and kept the marriage covenant. Yet the said Joseph, wholly regardless of his marriage vows, hath for the last five years together wholly and willingly absented himself from the petitioner, without making any provision for her support and maintenance, although it has always been in his power so to do. Wherefore she prays that a divorce from the bond of matrimony may be decreed.

Abbott, for the libellant.

By the court. The libel in this case cannot be sustained. It is not alleged that the marriage was solemnized in this state, or that the husband has at any time resided here. However well founded, then, the complaint of the libellant may be in fact, it is clear that we have no power to decree a divorce, there not being enough alleged in the libel to bring the cause within the jurisdiction of this court.

Every libel for a divorce ought to state with certainty the place where the marriage was solemnized. We do not mean to say that a divorce for the cause stated in this libel can be decreed in no case, when the marriage has not been solemnized in this state. But if it can be decreed in any such case, it must be where both the parties after the marriage become inhabitants of this state, and where the wife, at least, has continued to reside here during the time the husband has neglected to make provision for her support.

Libel dismissed.

White
v.
White.

POLLY FAVOR *versus* JONATHAN PHILBRICK.

After a verdict in favor of a plaintiff, in a cause in the court of common pleas, the defendant moved for a new trial and also in arrest of judgment; and judgment was arrested. A writ of error was then brought in this court, and the order of arrest reversed. It was held that the record might be remitted to the court of common pleas, with directions to enter judgment on the verdict, or grant a new trial, as justice might seem to require.

But in general, when a judgment of the common pleas is reversed, this court renders the judgment which ought to have been rendered there.

THIS was a writ of error to the court of common pleas. The plaintiff in error brought an action of assumpsit in the common pleas, and obtained a verdict, but the court arrested the judgment. The cause was brought here by