

41, 42, and 44, agreeably to the said order, and that he had then stated a further account, C, in which the principal and interest, received by the trustee, and now deposited in Court, were applied to the payment of said commissions, costs, and claims, in the usual manner. By an order, passed on the 5th of July, 1830, this report was confirmed, and the trustee directed to apply the proceeds accordingly.

HELMS v. FRANCISCUS.

CHANCERY PRACTICE.—LAPSED LEGACIES.—SEPARATION BETWEEN HUSBAND AND WIFE.—ALIMONY.—SETTLEMENT OF THE WIFE'S ESTATE.

Where it becomes necessary to have the plaintiff's next friend examined as a witness, he may be discharged for that purpose, and another appointed in his place. (a)

It is the duty of the Court, for its own safety, and for the benefit of all concerned, to have all its proceedings translated into the English language. A husband, who can derive no pecuniary benefit from a decree to account, must, nevertheless, be permitted to attend, and to except, for the protection of his own rights.

The cases in which a legacy may be considered as having lapsed.

The residuary legatee takes all which has not been well and sufficiently disposed of. (b)

The binding and peculiar nature of the contract of marriage.

To preserve the public peace and morals, and upon the ground of a stronger policy overruling a weaker one, a separation of husband and wife may be allowed.

The father is the natural guardian of his infant children; yet, in some cases, the care of the infant may be committed to the mother.

A *feme covert* may, in the prescribed mode, contract for her property, or, in equity, dispose of her separate estate.

The nature of a separate maintenance and of pin-money.

A separate maintenance may be awarded on the *ground of mal-conduct of the husband. **545**

The jurisdiction of this Court as to alimony. (c)

This Court may give to the wife a separate maintenance out of her own estate.

The making of a settlement upon the ground of what is called "the wife's equity."

How an infant may become a ward of Court.

In general, the Court settles only a part of the wife's fortune upon her; but, in some cases, or with the consent of her husband, the whole of her fortune may be settled on her.

(a) Cited in *Mills v. Humes*, 22 Md. 357.

(b) Approved in *Cox v. Harris*, 17 Md. 31.

(c) Cited in *Wright v. Wright*, 2 Md. 450; *Dunnock v. Dunnock*, 3 Md. Ch. 143, 145; *Jamison v. Jamison*, 4 Md. Ch. 294.