

had taken place, and that he was living with her in harmony, she is entitled, upon the ground of "the wife's equity," to a present provision; because of its having been admitted and shewn that the legacy is hers, and that he is utterly insolvent. Her claim to some provision is, therefore; sustained by the clearest proofs and the most sound and best established principles of equity.

But, in cases of this kind, where, as in this instance, it has been submitted entirely to the Court, to determine what provision shall be made, the husband has been almost always invited to make proposals of terms to be approved or rejected by the Court, as to how much the wife shall have, and, in determining that, the Court has exercised a discretion without being tied down to any precise rule. But it seems now to be the general opinion that the Court will not of itself give the whole to the wife. *Vandenanker v. Desbrough*, 2 Vern. 96; *Adams v. Pierce*, 3 P. Will. 12; *Ex parte Coysegame*, 1 Atk. 192; *Beresford v. Hobson*, 1 Mad. Rep. 363.

In England it is considered, that in all cases where an infant, male or female, has been by any suit brought before the Court of Chancery for the purpose of having the person or estate of such infant properly disposed of, such infant thereby becomes, until the attainment of full age, a ward of the Court, and may be governed and protected accordingly. Hence, where a female infant, who had thus become a ward of the Court, was married in contempt of

578 *its authority; and especially if it appeared that the husband had nothing to settle, and was a beggar, marrying her for the sake of her fortune, the Court has been in the habit of not permitting him to touch that fortune, which was his sole object, and of having the whole settled upon the wife. *Butler v. Freeman*, Amb. 302; *Wells v. Price*, 5 Ves. 398; *Ball v. Coutts*, 1 Ves. & Bea. 303.

In this instance the plaintiff Anna can, in no sense, be considered as a ward of this Court, and, therefore, nothing of the nature of a contempt of the Court can be imputed to her husband. Yet, those cases, in relation to wards of Court, may be adduced to shew that the Court, under some peculiar circumstances, allows itself to take into consideration the sinister views and objects of the husband in marrying his wife; and if the Court can be satisfied that he was actuated chiefly or altogether by sordid motives; that he married the woman merely to come at her fortune, it will interpose to save the wife from such most grievous of all frauds, and have her whole fortune settled upon her exclusively. For, in those cases, there is nothing so very peculiar in being a ward of Court; it is not so much upon the ground of any species of contempt or affront to the Court itself; it is the corrupt motives of the husband; the fraud and delusion practised by him upon frankness and innocence, which affords the strong ground upon which the Court