

GIFTS FROM HUSBAND TO WIFE AFTER MARRIAGE—Continued.

against his creditors, vest in the wife an unimpeachable right of property, which will be treated as her exclusive and separate estate. *George vs. Spencer*, 353.

2. But the courts, for obvious and wise purposes, require clear, satisfactory, and incontrovertible evidence, to establish a gift of this description. *Ib.*

GUARDIAN AND WARD.

1. Where the relation of guardian and ward has been terminated by the removal of the former, the infant has the same right to call him to an account as he would have to call his representatives to an account, in case of his death; and in the latter case, it has been decided that an infant may sue as if he were of age. *Swan vs. Dent & Richards*, 111.
2. Though an infant himself cannot call his guardian to an account whilst the relation subsists, but must wait until he attains age, yet a third person may do so during the minority, for the benefit of the infant, of whose interest the law is especially careful. *Ib.*
3. The office of guardian, is that of a trustee, and the general power of the Chancery Court to superintend trusts, is expressly preserved by the act of 1798, ch. 101, sub. ch. 12, sec. 16. *Ib.*

See EXECUTOR, &c., 8.

HABENDUM.

See CONSTRUCTION OF DEEDS, 2.

HUSBAND AND WIFE.

See EVIDENCE, 1, 2, 12, 13, 14, 15. GIFTS FROM, &c., 1, 2.

CONVERSION OF REALTY, &c., 2.

INCREASE OF FEMALE SLAVES.

See NEGROES AND SLAVES, 1.

INFANTS, CONTRACTS BY, &c.

1. There is no doubt of the power of a female infant, by a contract before marriage, to bar herself of her right of dower in the real estate of her husband, and of her distributive share of his personalty. *Levering vs. Heighe*, 81.
2. So also a settlement upon a wife before marriage, in lieu of dower, to take effect immediately upon the death of the husband, and to continue during the life of the widow, if it appears to furnish a reasonable support for the widow, and to be certain and equitable, will be considered as a bar of her dower. *Ib.*
3. It seems equally clear that a female infant, before marriage, can bind her *general personal estate* by a settlement; because such personalty, upon the marriage, becomes the property of the husband. This general equity principle may be considered as modified in this state, by the act of 1842, ch. 293, in respect to the particular description of property therein referred to. *Ib.*
4. But a female infant will not be bound by a settlement of her *real estate* made before marriage. *Ib.*
5. Nor would a female infant be bound, by ante-nuptial settlement of her real estate, or her separate personalty, though made with the approbation of the court. *Ib.*