

known his determination then to leave the country, perhaps for ever, and has in point of fact gone away to parts unknown, and has never since been heard of. It is, therefore, I think, impossible to characterize this transaction as a "mere device or contrivance by which the husband, not parting with the absolute dominion over the property during his life, seeks, when he shall die, to deprive his widow of the share of his personal estate which the law would assign to her."

Assuming, then, as it seems to me may be done, that if the complainant should survive her husband, the conveyance made by him of these negroes would prevail in opposition to her claim for a distributive share of them under our act of Assembly, it would seem to follow, necessarily, that it must also be good against the pretensions set up by this bill. It would be difficult to maintain that a transfer which is sufficient to defeat the right which devolves upon the wife, upon the death of her husband—a right which he cannot take from her by his will—may yet be successfully impeached by her in his lifetime, upon the ground that he has abandoned and left her without support. So far from this being the case, the right to the share which the legislature thought fit to assign the wife upon the death of her husband, may be supposed to present stronger claims to judicial protection than a right resting simply upon judicial precedents, however well-founded they may be in principles of equity.

It is urged by the complainant's solicitor that the grantee in this bill of sale is a stranger to all the equities between the true parties, except so far as he is a party to the alleged fraud upon the rights of the wife, and consequently he cannot be permitted to question her equitable claim to a maintenance against her husband. But surely this stranger, as he is called, may be allowed to show that the conveyance taken by him is not a fraud upon the rights of the wife, either because it rests upon a *bona fide* and valuable consideration, or because, if merely voluntary, it is but the exercise of the husband's incontrovertible right, during his life, to dispose of his personal property as he pleases, independent of her concurrence, and for the purpose, if he thinks fit, of defeating her claim to it.