

cerned, I do not look upon it as simply void, because its stipulations and provisions appear to me to have been beneficial to her.

Indeed, none of the cases to which I have been referred, or which I have met with in the books, treat these settlements as merely void, and incapable of confirmation by the wife after she attains the competent age. The cases, on the contrary, show that the infant may give efficacy to the settlement, either by an express confirmation after attaining majority, or by some act which would make it inequitable in her to impeach it.

In *Durnford vs. Lane*, 1 *Brown's Ch. Cases*, 106, Lord Thurlow, after expressing a strong opinion against the validity of settlements by female infants in contemplation of marriage, even when made in consideration of a competent settlement upon her, says, "if she has a settlement from her husband, and after his death she takes possession of it, he thought she would be bound by the equity arising from her own act, and this observation he made, as he remarked, in deference to the cases of *Cannel vs. Buckle*, 2 *Peere Wms.*, 243; and *Harvy vs. Ashley*, 3 *Atk.*, 615." In this latter case, the opinion of Lord Hardwicke is clearly expressed in favor of the validity of the agreement of an infant, when confirmed by his acts after the disability is removed. And in the case of *Milner vs. Lord Harewood*, 18 *Ves.*, 259, the sanction of Lord Eldon is given in the most unqualified terms to the doctrine upon this subject, as stated in *Durnford vs. Lane*, it being in the former case held, that a female infant was not bound by an agreement to settle her real estate upon marriage, if she did not when of age choose to ratify it, and that nothing but her own act, after the period of majority, could make it binding upon her. The opinion of the Master of Rolls, in the case of *Simson vs. Jones*, 13 *Cond. Eng. Ch. Rep.*, 78, is in accordance with the previous cases, in reference to the capacity of the infant to confirm the settlement after attaining the required age. In pronouncing against the settlement in that case, he said a good title could not be made under it, "unless by the confirmation of the wife after the age of twenty-one."