

HUSBAND AND WIFE.

1. Where the aid of a Court of Equity is necessary to enable the husband to obtain possession of the wife's personal estate, he must do what is equitable, by making a suitable provision out of it for her maintenance and that of her children. *McVey vs. Boggs*, 94.
2. This principle applies to the assignee, for value, of the husband, to the case of transfers by operation of law, or by the act of the husband, to general assignees for the benefit of creditors. *Ib.*
3. The amount of the provision to be made to the wife in every case must be governed by its peculiar circumstances, and, according to those circumstances, the Court may give to her the whole or only a part of the property. *Ib.*
4. In this case, the husband, though living with the wife, was bankrupt; they were destitute, having no property, except the wife's share of the proceeds in this cause, amounting to \$919 06, and had a large number of children, most of them very young and helpless, to support. The Chancellor decreed the *whole* sum to be settled upon the wife. *Ib.*
5. Where the husband neither reduces the *choses in action* of the wife into possession during coverture, nor during his life in case he survives her, they devolve at his death upon her representatives. *Gough vs. Crane*, 119.
6. The Act of 1798, ch. 101, sub. ch. 5, sec. 8, changes in this respect the English statute of distributions, which gives to the representatives of the husband who survives his wife, *choses in action* not reduced to possession, to the exclusion of the representatives of the wife. *Ib.*
7. If the husband reduces the *choses in action* of his wife into possession during his lifetime, or recovers judgment upon them at law or in equity, either in his own favor or in favor of himself and his wife, and he survives her, and subsequently dies, they devolve upon his representatives. *Ib.*
8. Though a husband cannot *by will* deprive his wife of her share of his personal estate, yet he has the power to dispose absolutely of such property during his life by sale or gift, and if he reserves no right to himself, the transfer will prevail against the wife, though made to defeat her claim. *Dunnoch vs. Dunnoch*, 140.
9. But if the conveyance or transfer be a mere device or contrivance by which the husband, not parting with the absolute dominion over the property during his life, seeks at his death to deprive his widow of her share of his personalty, it will be ineffectual against her. *Ib.*
10. A conveyance of personal property by a husband which would be good against the claim of the wife in case she survived him, is also good against her claim for a living during their separation.
11. A voluntary conveyance by a woman in contemplation of marriage, is avoidable by the husband, from whom it was concealed, or who had no notice of it, as in derogation of his marital rights, and a fraud upon his just expectations. *Cole vs. O'Neil*, 174.
12. But it is indispensably necessary to the successful impeachment of such a deed, that the husband should be kept in ignorance of it, up to the moment of the marriage, and even if he be so kept in ignorance, it will depend upon circumstances whether it be valid or not; the question in all such cases is, whether the evidence is sufficient to raise fraud. *Ib.*
13. If it appears that the conveyance was made during the treaty and in con-