

vision for the wife, made by the court, out of her own fortune, is always a present income during the husband's life; and being intended to relieve her immediate necessities, is made payable to her separately and distinctly from her husband. But she cannot anticipate it by sale or incumbrance; because it continues only until the husband returns to his duty, and conducts himself towards her as he ought. In cases of this kind, the husband may be ordered to pay something towards the support of his wife, even pending the suit; and this is not considered as making a decree before the hearing; but only doing what the husband himself is obliged to do; maintain his wife until the case can be heard upon the merits. Thus guarding the wife against the possibility of future danger, and applying a remedy for her present wants. (b)

There is yet another occasion afforded by the nature of the wife's title to property, of which the court avails itself to interpose its authority, against the legal claim of the husband; that is, when the husband requires the assistance of this court, to procure the possession of any part of his wife's fortune, it will be refused to him, unless he makes a provision for her out of it, or shews that he has purchased it by having already adequately provided for her; or that it is of too small an amount to have any provision made out of it. (c) This peculiar claim is emphatically called 'the wife's equity.' (d) It extends to all her equitable *choses in action*, and generally, to all equitable estates or interests falling within the jurisdiction of a Court of Chancery; but not to mere legal *choses in action*, to terms for years, or any chattel of which the husband may legally take possession. The habit of the court has always been, of itself, and without any application previously made by the married woman, to direct an inquiry, when money has been carried over to her account, whether any settlement has been made; and, if none has

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(b) *Oxenden v. Oxenden*, 2 Vern. 493; *Sleech v. Thorington*, 2 Ves. 560; *Watkins v. Watkins*, 2 Atk. 96; *Bond v. Simmons*, 3 Atk. 20; *Head v. Head*, 3 Atk. 295; *Ball v. Montgomery*, 2 Ves. jun. 192; *Legard v. Johnson*, 3 Ves. 352; *Wright v. Morley*, 11 Ves. 12; *Duncan v. Duncan*, 19 Ves. 395; S. C. Coop. Rep. 254; *Cooke v. Cooke*, 1 Eccles. Rep. 178; *Otway v. Otway*, 1 Eccles. Rep. 208; *Smith v. Smith*, 1 Eccles. Rep. 220; *Rees v. Rees*, 1 Eccles. Rep. 418; *Street v. Street*, 2 Eccles. Rep. 195; *Smyth v. Smyth*, 2 Eccles. Rep. 293; *Cox v. Cox*, 2 Eccles. Rep. 531; *Hamerton v. Hamerton*, 3 Eccles. Rep. 17; *Harris v. Harris*, 3 Eccles. Rep. 153; *Hawkes v. Hawkes*, 3 Eccles. Rep. 231; *Kempe v. Kempe*, 3 Eccles. Rep. 233; *Purcell v. Purcell*, 4 Hen. & Mun. 507; *Hewitt v. Hewitt*, 1 Bland, 101.—(c) *Jernegan v. Baxter*, 6 Mad. 32; *Foden v. Finney*, 3 Cond. Chan. Rep. 739.—(d) *The State v. Krebs*, 6 H. & J. 36.