

settlements are deemed valid even against the creditors of the husband. (*h*)

Here the wife claims the whole of this residuary legacy, to be settled upon her to her own exclusive use. There can be no doubt that she must have a provision made for her to take effect immediately; and that upon the two last mentioned grounds of equity. *First*, because it is admitted that this legacy was given to her; and it appears that her husband has treated her ill, has taken up his residence in another state, and has left her entirely destitute of any aid from him. And *secondly*, even supposing no separation had taken place, and that he was living with her in harmony, she is entitled, upon the ground of 'the wife's equity,' to a present provision; because of its having been admitted and shewn that the legacy is hers, and that he is utterly insolvent. Her claim to some provision is, therefore, sustained by the clearest proofs and the most sound and best established principles of equity.

But, in cases of this kind, where, as in this instance, it has been submitted entirely to the court, to determine what provision shall be made, the husband has been almost always invited to make proposals of terms to be approved or rejected by the court, as to how much the wife shall have, and, in determining that, the court has exercised a discretion without being tied down to any precise rule. But it seems now to be the general opinion that the court will not of itself give the whole to the wife. (*i*)

In England it is considered, that in all cases where an *infant*, male or female, has been by any suit brought before the Court of Chancery for the purpose of having the person or estate of such infant properly disposed of, such infant thereby becomes, until the attainment of full age, a ward of the court, and may be governed and protected accordingly. Hence, where a female infant, who had thus become a ward of the court, was married in contempt of

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(*h*) *Moor v. Rycault*, Prec. Cha. 22; *Nicholas v. Nicholas*, Prec. Cha. 546; *Brown v. Elton*, 3 P. Will. 202; *Sleech v. Thorington*, 2 Ves. 561; *Jewson v. Moulson*, 2 Atk. 419; *Middlecome v. Marlow*, 2 Atk. 520; *Bond v. Simmons*, 3 Atk. 20; *Salisbury v. Newton*, 1 Eden, 370; *Pryor v. Hill*, 4 Bro. C. C. 139; *Burdon v. Dean*, 2 Ves. jun. 607; *Langham v. Nenny*, 3 Ves. 469; *Macaulay, v. Philips*, 4 Ves. 15; *Franco v. Franco*, 4 Ves. 528; *Blount v. Bestland*, 5 Ves. 515; *Elibank v. Montolieu*, 5 Ves. 737; *Glaister v. Hewer*, 8 Ves. 206; *Murray v. Elibank*, 10 Ves. 84; *Elworthy v. Wickstead*, 1 Jac. & Walk. 69; *Elliott v. Cordell*, 5 Mad. 150; *Beams' Orders*, 464; *Deeks v. Strutt*, 5 T. R. 690.—(*i*) *Vandenanker v. Desbrough*, 2 Vern. 96; *Adams v. Pierce*, 3 P. Will. 12; *Ex parte Coysegame*, 1 Atk. 192; *Beresford v. Hobson*, 1 Mad. Rep. 363.