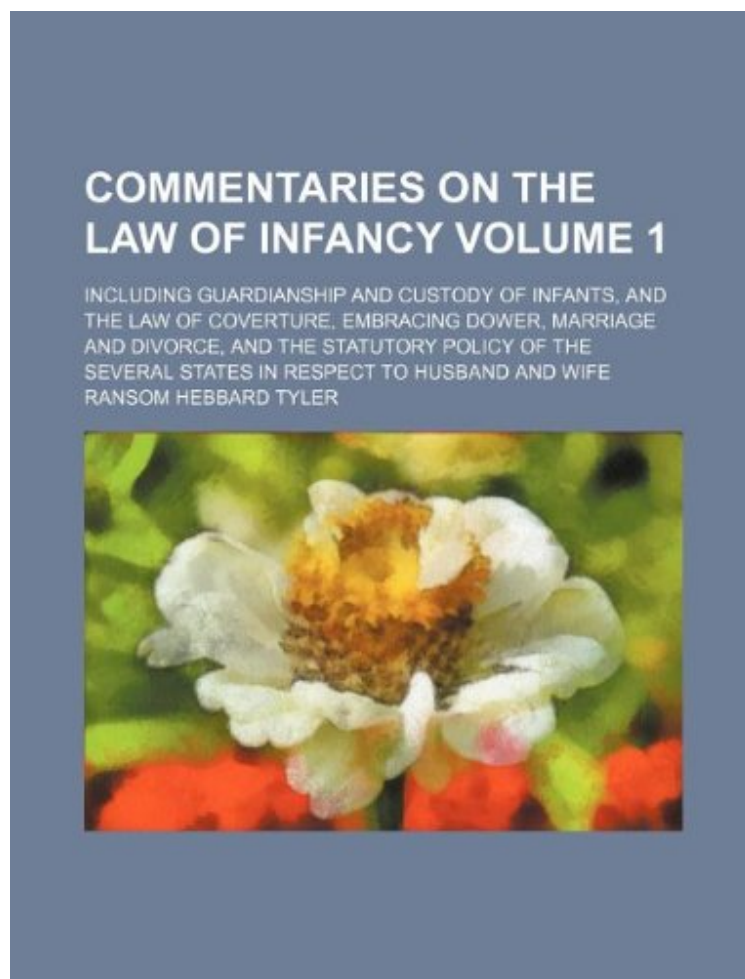


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Commentaries on the law of infancy Volume 1; including guardianship and custody of infants, and the law of coverture, embracing dower, marriage and ... several states in respect to husband and wife

Ransom Hebbard Tyler

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Ransom Hebbard Tyler : Commentaries on the law of infancy Volume 1; including guardianship and custody of infants, and the law of coverture, embracing dower, marriage and ... several states in respect to husband and wife before purchasing it in order to gage whether or not it would be worth my time, and all praised Commentaries on the law of infancy Volume 1; including guardianship and custody of infants, and the law of coverture, embracing

dower, marriage and ... several states in respect to husband and wife:

This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1868 Excerpt: ...gifts from husband to wife must be reasonable, or they will not be sustained. Thus in a case where the husband, by a deed-poll, gave and granted to his wife all the property which he then had or might afterward have, Lord Hardwicke said that such a grant or gift could not take effect, because the law would not permit a man to make a grant or conveyance to his wife during his life, and that the court would not allow the wife to have the whole of her husband's estate while he lived, for that was not in the nature of a provision, which was all that she was entitled to. (*Beard v. Beard*, 3 Atk. R. 72.) And yet there must be satisfactory evidence that the husband has divested himself of the property, and agreed to hold it as trustee for his wife. (*Walter v. Hodge*, 2 Swanst. R. 107. *McLean v. Langland*, 5 Ves. R. 79.) Or as was said by the master of the rolls in the case of *McLean v. Langland*, involving the validity of a gift from the husband to his wife, there must be nothing less than a clear, irrevocable gift, either to some person as a trustee, or by some clear and distinct act of the husband, by which he divested himself of his property, and engaged to hold it as a trustee for the separate use of his wife. When the gifts are not from the husband but from strangers either before or after marriage, the wife is entitled to them in her own right, and the husband will be regarded as the trustee of the wife for her separate gift, where she receives it after the marriage, in case no other trustee is appointed. (*Graham v. Londonderry*, 3 Atk. R. 393. *Riley v. Riley*, 25 Conn. R. 154.) These cases are clear of many of the questions which arise where the gift is direct from the husband. 358. The American authorities are quite uniform to the effect that although gi...