

it is necessary to give her the whole, the Court will give her the whole, regarding that object as paramount to the claims of her husband, or the assignees of her husband, whether voluntary or for value. The case of *Kinny vs. Udall* was carried to the Court of Errors of New York, and will be found reported in 3 *Cowen*, 590. It underwent a most elaborate discussion at the bar and from the bench, and after an examination of all the authorities, Chief Justice Savage, who delivered the opinion of a large majority of the Court, said, "That as to the amount of a wife's estate which shall be secured to her, that is a fit subject of reference to the master, and must necessarily be determined by the circumstances of each particular case;"—"the rule is, that an adequate provision be made for the wife and the children, if there be any."—"What shall be considered adequate must depend entirely on circumstances."—"In some cases, the whole has been allowed the wife."—"In one case an annuity of £40 per annum;"—"in another, the interest of £800."—"In other cases, the half has been assigned," &c.* And it will be found, upon looking at many of the cases, in which the whole of the property of the wife has been assigned her, for the support of herself and children, it has not been because she has been abandoned by her husband, and left entirely to her own unaided labor for her support. Several of them were cases like that now under consideration, in which the husband, though he had become bankrupt, was living with his wife, and yet the whole of her property was allowed her, in opposition to the claim of the assignees of the husband. In the very last case which I have seen reported in the English Chancery, *In re Cutler's Trust*, 6 *Eng. Law and Equity Rep.* 97, the whole fund was given to the wife, in opposition to the claim of the assignee of the insolvent husband, though there was no statement that the husband had deserted his wife, or did not, by his labor, contribute to her support.

Assuming, then, that the Court, in cases of this description, may exercise a discretion, and, according to the circumstances, give the whole or a part to the wife, it would not be very easy to imagine circumstances in which the claim of the wife to have