

which binds them together cannot be severed by it; but, yet that a partial or a temporary separation has become necessary for the protection of the weaker or defenceless party; and thus, so far, allowing a stronger policy to over-rule a weaker one. (t) The court will not permit the colour of parental authority to work the ruin of the child, or suffer the child to be sacrificed in any way to the views of the father. (u) And therefore, where the father was infamously profligate and vicious in his habits, and course of conduct; or had attempted to associate his infant children with a lewd woman he had brought into his house; or was guilty of gross ill treatment and cruelty towards them, they were removed from his custody. (w) But the father has no right to the custody of his

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(t) *Westmeath v. Westmeath*, 4 Cond. Cha. Rep. 62.—(u) *Butler v. Freeman*, Amb. 302; *Creuze v. Hunter*, 2 Cox, 242; *Lyons v. Blenkin*, 4 Cond. Cha. Rep. 115.—(w) *Ex parte Warner*, 4 Bro. C. C. 101; *Skinner v. Warner*, 2 Dick, 779; *De Manneville v. De Manneville*, 10 Ves. 61; *Whitfield v. Hales*, 12 Ves. 492; *Ball v. Ball*, 2 Cond. Cha. Rep. 299; *Wellesley v. Beaufort*, 3 Cond. Cha. Rep. 1; *The King v. De Manneville*, 5 East. 221.

*PRATT v. PRATT*.—William Pratt, an infant of eleven years of age, by Christopher Cross Routh, his uncle and next friend, on the 6th of February, 1773, filed his petition in this court, in which he stated, that John Pratt, his father, had married Mary Buck, by whom he had issue, the petitioner his eldest son, and several other children; that she afterwards died seized in fee of divers lands, leaving the petitioner her eldest son and heir at law; that the petitioner's father afterwards married Elizabeth Griffith; and on the 21st of November, 1770, made his last will, in which, among other things, he devised as follows, to wit: 'I bequeath unto my son William Pratt one negro girl named Beck; and it is my will and desire, that my beloved wife Elizabeth Pratt should have the bringing up of my said son William Pratt, and that he should live with her until he shall be of the age of twenty-one years, and that my said wife should have possession of my dwelling plantation until my aforesaid son William shall arrive at the age aforesaid. All the remainder of my personal estate, after paying my just and lawful debts, and the above legacies, I give and bequeath to be equally divided among my children. And I do hereby nominate and appoint my beloved wife Elizabeth Pratt executrix of this my last will and testament.' That afterwards John Pratt, the petitioner's father, died seized and possessed of other lands than were devised by the said will, which have descended to the petitioner his heir at law. That after the death of the testator, the said Elizabeth proved the will and took upon herself the execution thereof, and also the guardianship of the petitioner. That she hath been extremely remiss as executrix and guardian, whereby the estate of the testator hath been much wasted and embezzled; and the petitioner neglected and in want of the common necessaries of life; nor hath she paid the least attention to his education. That such hath been her conduct since the death of the testator, which the petitioner hopes there may be no necessity particularly to expose, that she has lost all the respect of her neighbours and acquaintances, and by them is esteemed a woman of an infamous character. That she had endeavoured secretly to convey away sundry negro slaves and other personal estate of the testator with a view to defraud the petitioner and others,