

duct of the parent, every affectionate and tender feeling which should subsist between them will be sustained and cherished as far as practicable; and, for that purpose, they will be allowed to visit each other as often as may be compatible with the safety and good morals of the infant. (*x*)

Apart, however, from any positively vicious conduct of a father which might, of itself, afford a sufficient ground for having him separated from his children, a parent cannot be allowed, capriciously, to disappoint the just hopes and expectations of his child. For, although it is, by law, the duty of a parent to maintain his child, yet, where the father was in very indigent circumstances, and the child had had given to him a large fortune, such parent was not allowed to prevent the child from being maintained and educated in such manner as his fortune could well afford, and with the advantages he was thus justly entitled to expect; (*y*) or where the father takes a benefit under the will, by having a legacy given to himself, and also in consideration of a large legacy given to his child, consents that her maintenance and education shall be given up to the management of trustees. (*z*)

But, although it may be admitted that this jurisdiction of the Court of Chancery, as between parent and child, has been substantially established, yet it cannot be denied that there are many cases in which it would be exceedingly difficult to exercise such authority successfully, and with real advantage to the infant. (*a*)

In the case under consideration there is no evidence whatever of any vicious habits, or improper treatment of the father towards the legatee, or any other of his children; nor does there appear to have been any such great pecuniary difference made by this legacy between this legatee and his father, as in any respect to call for a check upon the parental authority for the benefit of the infant. The father, we must presume, from the proofs, is an industrious labouring citizen, with a large family about him; who has not the means of bestowing any thing more than what is called a common country school education upon any of them. His son *Larkin*, the

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(*x*) *The King v. Soper*, 5 T. R. 278; *The King v. Hopkins*, 7 East. 579; *Strangeways v. Robinson*, 4 Taunt. 509; *Ex parte Hopkins*, 3 P. Will. 155; *Lyons v. Blenkin*, 4 Cond. Cha. Rep. 124; *Prather v. Prather*, 4 Desau. 39; 2 Lond. Jurist, 76.—(*y*) *Beaufort v. Berty*, 1 P. Will. 705; *Ex parte Hopkins*, 3 P. Will. 154; *Powel v. Clever*, 2 Bro. C. C. 510; *Butler v. Butler*, 3 Atk. 60; *Creuze v. Hunter*, 2 Cox, 242; *Lyons v. Blenkin*, 4 Cond. Cha. Rep. 124.—(*z*) *Lyons v. Blenkin*, 4 Cond. Cha. Rep. 124.—(*a*) 2 Lond. Jurist, 66.