

her husband, savings therefrom belong to the wife: *Slanning v. Style*, 3 P.W. 337. And savings from money a woman swears her husband gave her in his lifetime, belong to her: *McEdwards v. Ross*, 6 Gr. 373.

Money saved by a married woman from an allowance paid for her separate support by her husband, from whom she was living apart, belongs to her and cannot be recovered by him: *Brooke v. Brooke*, 25 Beav. 342. And a wife's savings from an annual allowance for her separate maintenance paid under an order in lunacy, will be her separate property, although the order did not expressly so provide: *Re goods of Tharp*, 3 P.D. 76, 38 L.T. 867. So a wife living separate from her husband may make a gift of her savings from an allowance for her separate maintenance, as if she were a *feme sole*: *Gage v. Lister*, 2 Bro. P.C. 4; or she may dispose of it by will: *Blotson v. Pridgeon*, 1 Ch. Cas. 118; *Humphrey v. Richards*, 25 L.J. Ch. 442.

Where a married man receives a legacy belonging to his wife, but not for her separate use, and to which, therefore, he is entitled, and gives it to her to care for, and she, without his consent, deposits it in bank in the name of her infant son by a former marriage, the husband may recover the deposit from the banker: *Calland v. Lloyd*, 6 M. & W. 26. So money of a married man which he deposits in a bank account of his wife as executrix will pass, on his death, to his representative: *Lloyd v. Pughe*, L.R. 14 Eq. 241. And where a man borrows from trustees money held for the benefit of his wife, without ever paying any interest on the debt, it will be presumed, in order to prevent the debt becoming barred by the Statute of Limitations, that the latter gave the arrears of interest to her husband: *Re Dixon, Heynes v. Dixon*, [1900] 2 Ch. 561. And where a married woman, during her husband's absence, carries on his business, and deposits the profits in a bank in her own name, according to an arrangement between them, in order to protect it from his creditors, the money is not attachable by garnishment by the latter as a debt due her husband: *St. Charles v. Andrea*, 41 N.S.R. 190. Where a woman with money received from her husband purchased a homestead in her own name, and subsequently sold it to a third person, who, before the completion of the agreement for sale, became aware that she was not a widow, the husband is entitled to a declaration that the wife held the property as trustee, and to recover from the purchaser the money which, after notice of the husband's claim, the latter had paid to secure an immediate conveyance: *Dudgeon v. Dudgeon*, 13 B.C.R. 179.

## 2. Husband having custody or control of wife's money.

No presumption of a gift from a married woman to her husband arises from a purchase of property with or an investment of her money by her husband in his own name or their joint names; and under such circumstances the husband is to be presumed a trustee for the benefit of his wife, in the absence of evidence of a contrary intention: 16 Halsbury's Laws 396. This rule will be applied where a married man receives and retains