

belonging to her and its deposit in bank in his own name a few days before his death, cannot be regarded as a gift of the money to him: *Green v. Carlett*, 46 L.J.Ch. 477, 4 Ch.D. 882.

But a woman who permits a legacy bequeathed to her to come into her husband's hands and to be employed by him in his business and in paying family expenses, will be regarded as having assented to such use of the money, so as to prevent her from recovering the amount of the legacy from his estate: *Gardiner v. Gardiner*, 1 Giff. 126.

Where, after the passage of the Imperial Married Woman's Property Act of 1870, a wife became entitled in possession to a sum of money to which, before marriage, she was entitled in expectancy, and joined with her husband in petitioning the Court of Chancery to pay it to him in his own right, he became vested with the money by virtue of such petition: *Lane v. Oakes*, 30 L.J. 726. And where a married woman, who was entitled to a separate property, joined with her husband in appointing an agent to receive the rents, and the latter deposited them in a bank, from which the husband drew them and appropriated the money for purposes of his own, the balance on deposit at his death will belong to his estate, by reason of his wife's acquiescence in his conduct: *Bersford v. Armaugh*, 13 Sim. 643. And a gift will be presumed where a married woman, under a power, permitted shares of stock to be transferred to herself and husband, and then consented to the latter selling them, and he appropriated the proceeds of the sale to his own use: *Hale v. Shelldrake*, 60 L.T. 202. So the written assent of a woman to the payment by trustees to her husband of a fund from which he was entitled to the interest for life, with remainder to her, will relieve the trustees from liability to the wife for making such payment: *Creswell v. Dewell*, 4 Giff. 460.

Where stock, to which a woman was entitled to the separate use, was improperly transferred by a trustee into the joint names of himself and her husband, and the latter received the dividends until the death of the trustee, when the stock was sold by the husband, and, without the knowledge of his wife, the proceeds were applied by him to his own use, on his subsequent desertion of his wife she is entitled to recover from her husband and the estate of the deceased trustees the arrears of dividends accruing since the sale; and to have the trust fund replaced; notwithstanding it might be presumed that she assented to her husband's actual receipt of the dividends while the stock was intact yet no such assent could be presumed after its sale: *Dixon v. Dixon*, 48 L.J.Ch. 592, 9 Ch.D. 587. And where a married man, who was a trustee for his wife, applied the capital belonging to her estate to his own use, and, although she wished to give him the money, he refused to accept it, and always spoke of it as belonging to her, he is to be regarded as a trustee for his wife, and after his death she may prove a claim against this estate for the capital together with interest thereon from his death: *Re Blake, Blake v. Power*, 60 L.T.N.S. 663.