

2 which were his during coverture, except she were endowed of less at the church door. (6) No widow shall be distrained to marry herself; nevertheless she shall find surety, that she shall not marry without our license and assent (if she hold of us) nor without the assent of the Lord, if she hold of another.

dum voluerit vivere sine marito ita tamen, quod securitatem faciat, quod se non maritabit sine assensu nostro si de nobis tenuerit, vel sine assensu domini sui si de alio tenuerit.

The exceptions of cases where the house was a castle, and of endowment at the church door were not applicable to the province.

With respect to the meaning of the word *maritagium*, here translated *marriage*, there seems to be some difference of opinion. Lord Coke, 2 Inst. 16, says, that the meaning is that widows may marry when they will without any license or assent of their lords. On the other hand it is said, that "*maritagium* is a technical word and signifies a portion of land given in consideration of the marriage." Such gifts were made by some relative of the wife to the husband with his wife, or to both of them, or to a woman *ad se maritandam*, and might be made before, or at the time of, or subsequently to the marriage contract. If issue of the marriage were born alive, the gift remained to the husband during his life, unless by its terms it were to descend to the heirs of the donee. If no issue born alive, the land reverted to the donor immediately on the death of the wife. See 1 Reeve H. 242. By the law of England before the Conquest, a widow could not marry again until the expiration of one year after the death of her husband, Co. Litt., 32 b. And it has been generally considered that by this clause of the Statute the restriction which had subsisted, at least, to this extent, that the assent of the lord was necessary to any marriage proposed by the widow, was entirely abolished. The last paragraph of the chapter which might lead to a contrary conclusion is explained by Lord Coke "to be understood where such a license of marriage in case of a common person was due by custome, prescription or special tenure."

Quarantine.—The Quarantine of the widow secured to her by this chapter of Magna Charta is a privilege peculiar to her state of widowhood, and to her inhabitancy of her husband's house during the allotted period. "Therefore if she marry again within the forty days she loseth her quarantine for then her widowhood is past and she hath provided for herself," 2 Inst., 17. And her right is also determined by her departure from her husband's house within the period, and she will not be allowed to return, 1 Bright, H. & W. 363. In very many of the States special provision is made by law for this right of the widow, and accordingly in some of them the consequence of forfeiture does not ensue either upon her marriage or her departure