

and of course it does not appear that the land in question was purchased with the product of the trust estate, and has been substituted for it.

These lands, therefore, are not shown to have been a part of the trust estate.

And even if there were grounds for inferring, that the lands were so purchased, and that they are to be considered as constituting a part of the trust estate of Mrs. Hall, and subject to her disposition in equity, as a *feme sole*, these creditors would still, in my judgment, not be entitled to be paid out of the proceeds of their sale, unless they could also prove that she intended to charge them with the payment of their claims.

Although a married woman having a separate estate, is, with respect to it, to be regarded as a *feme sole*, yet her capacity to act as such, is to be confined to that very property, and she is not as to all intents and purposes placed on the same footing with an unmarried woman. I have not been able to find any American case in which the power of the wife over her separate estate, has been carried farther; and Chancellor Kent, in the elaborate opinion delivered by him, in the case of the *Methodist Church vs. Jaques*, 3 *Johns. Ch. Rep.*, 77, over and over again approves of this limitation upon the power of the wife. The act, to be binding, must be with respect to her separate property; and although she may not, in the disposition of her separate estate, be confined to the particular mode pointed out in the instrument, yet I apprehend, that before her separate estate can be charged for her engagements, it must be shown, that her contract was made with direct reference to such separate estate; and that she is not to all intents and purposes, as to it, to be regarded as a *feme sole*, and bound by any form of contract into which she may please to enter, whether made with respect to her separate estate, or not.

Still, looking to the case of *Gray vs. Cook*, 12 *G. & J.*, 236, I am of opinion, that it would be competent for these parties to show by parol evidence, that Mrs. Hall, when she entered into the engagements, upon the strength of which they now attempt to charge the proceeds of these lands, designed to