

as merely affirming the general rule that a jointure or settlement before marriage bars dower yet enabling the jointress to take a benefit under her husband's will, which the effect of the jointure might otherwise have been to compel her to renounce; see *Maurer v. Naill*, 25 Md. 532. Indeed it will appear that the effect of the introduction of what are called equitable jointures has been to make the construction of the Statute almost identical with this section of the Code.

Legal jointure.—Lord Coke, Co. Litt. 36 b, explains that to the making of a perfect jointure¹² under this Statute, so as to bar the wife's right to dower, six things are necessary, 1°, Her jointure by the first limitation is to take effect for her life in possession or profit presently upon the death of her husband. So that if the husband convey to the use of himself for life, then to the use of A. for life, and then to the use of the wife for life in satisfaction of her dower, although A. should die during the husband's life, and the widow should enter after her husband's death, this is no bar of dower, but the widow shall have dower also. 2°, It must be for the term of her own life, or a greater estate, for an estate to her for the life of another or others, or for a thousand years, though expressly in satisfaction of dower, will be no jointure within the Statute. 3°, It must be made to herself, and to no other for her, for an estate in trust is no bar of dower. 4°, It must be made in satisfaction of her whole dower, and not of part of it. 5°, It must be expressed to be in satisfaction of her dower, and therefore a devise, unless it be so expressed in the will, is no bar of dower. 6°, It may be made before or after marriage. If made before marriage, it binds the wife. If after marriage, she may waive it and claim her dower. These requisites to a good jointure for the most part still subsist at law, but this strict construction has been greatly modified in equity, and as to devises in bar of dower the law of Maryland is directly to the contrary.

The Statute mentions only five forms of conveyance: 1°, to the husband and wife and to the heirs of the husband; 2°, to the husband and wife and to the heirs of their two bodies; 3°, to the husband and wife and to the heirs of the body of one of them; 4°, to the husband and wife for their lives; 5°, to the husband and wife for the life of the wife. But these forms are put for example only, and do not exclude any other estate equally as or more beneficial to the wife than those mentioned in the Act; for it is the same to the wife to limit an estate to the husband and wife for their lives, and to the husband for his life, remainder to the wife for her life. And so, though the Act speaks of conveyances of the husband, the jointure may be settled on the wife by the husband's father; *Vernon's case*, 4 Rep. 2. As, however, an estate like that mentioned above, limited to the wife after a preceding limitation to a stranger, is not in its inception as beneficial to her as those required by the Act, it is not a good jointure, although the stranger should die in the life-time of the husband, *ibid.*

¹² Jointures with us are now practically unknown. *Collins v. Collins*, 98 Md. 480.