

Power of married women to convey in Maryland.—By the Act of 1766, ch. 14, secs. 1 & 6, however, married women and their husbands, by deed acknowledged and recorded as therein mentioned, were enabled to create any interests in land, and accordingly leases of the wife's lands for ninety-nine years have become very frequent. The Code, Art. 45, sec. 11,¹ gives any married woman power to convey her real and personal property if her husband joins in the conveyance; and by secs. 1 & 2² she shall hold to her separate use all her property, real and personal, belonging to her at the time of her marriage, and all property which she may acquire or receive after her marriage by purchase, gift, grant, devise, or bequest, or in a course of distribution. These latter sections take away the husband's power of disposition over those portions of the wife's estate included in them. But it will be observed that they do not include real estate *descended*³ to the wife after marriage, as to which the marital rights of the husband are not altered. So, too, under our laws, an estate tail is in general a fee simple, and a lease made by tenant in tail is therefore of equal validity with a lease by tenant in fee simple, see the note to the Statute *de donis* Westm. 2, c. 1. The Statute therefore is of limited application, except that the provisions of the third section are universally understood to be the law, see *Coale v. Barney*, 1 G. & J. 324.

See as to the requirements of the Statute, Co. Litt. 44 a; Bacon's Abridgment, Lease E.

¹ But now under the Act of 1898, ch. 457, a married woman has the same power to dispose of all of her property that her husband has and no more, provided that if she is under eighteen years of age, her husband must join in the conveyance. Code 1911, Art. 45, sec. 4.

² She now holds all of her property of every description for her separate use as fully as if unmarried. Code 1911, Art. 45, sec. 4.

³ The Act of 1874, ch. 57, added property acquired after marriage "by descent," and the Act of 1892, ch. 267, added property acquired after marriage "in any other manner" to a married woman's statutory separate estate. Code 1911, Art. 45, sec. 1.

CAP. XXX.

Mispleadings, Jeofails.

Forasmuch as the party Plaintiffs and Demandants in all manner of Actions and Suits, as well real as personal, at the Common Law of this Realm, before this time have been greatly delayed and hindered in their Suits and Demands, by reason of the crafty, subtle, and negligent Pleadings of the Plaintiffs or Demandants, Defendants or Tenants, where any **327** * Action or Demand hath been sued, had, or made, as well