

MANUMISSION—Continued.

the deceased manumittor can be legally ascertained. *Thomas vs. Wood*, 297.

2. With regard to the manumittor himself and his legal representatives, the manumission, though in prejudice of creditors, is valid, and the negroes manumitted are not assets for the payment of debts. *Ib.*

MARITAL RIGHTS.

See MARRIAGE SETTLEMENT.

MARRIAGE SETTLEMENT.

1. By a marriage settlement, the property of the wife was conveyed to trustees for the benefit of the wife *during coverture*, free from the control, and not liable for the debts of her husband, with power to the wife to dispose of the same, either by last will and testament, in writing, or by any other writing, signed by her hand, in the presence of two witnesses. The wife died without making any disposition whatever of the property, it was HELD—

That the contract did nothing more than suspend the marital rights of the husband during the life of the wife, and upon her death the property remained precisely in the same condition it would have been in, if no such power of appointment had been created, and consequently the rights of the husband revived upon her death. *Jones & White vs. Brown et al.*, 191.

2. When it is intended, in a marriage settlement, to exclude the rights of the husband to the personal property of the wife, in the event of his surviving her, and in default of her appointment, an *express provision* to that effect should be inserted. *Ib.*
3. When the settlement makes no disposition of the property in the event of the wife's death, and provides only for her dominion over it during coverture, the right of the husband as survivor, is a fixed and stable right, over which the court has no control and of which he cannot be divested. *Ib.*
4. A settlement upon the wife after marriage, in pursuance of a valid agreement before marriage, is good and binding against the creditors of the husband. *Brooks vs. Dent*, 523.

See TRUSTEES, THEIR DUTIES AND POWERS, 3.

MARRIED WOMEN, CHARGING SEPARATE ESTATE OF, &c.

Before the separate estate of a married woman can be charged for her engagements, it must be shown that her contract was made with direct reference to such separate estate; and she is not to be regarded with respect to such estate as a *feme sole*, to all intents and purposes, and bound by any form of contract into which she may please to enter, whether made with reference to such estate or not. *Conn vs. Conn*, 212.

MARSHALING ASSETS.

In marshaling assets, lands descended are to be applied before lands devised. *Brooks vs. Dent*, 523.