

balance due her, absolutely void. This question came up again, in the case of *Forbes vs. Forbes*, 5 Gill, 29, when the Court, without deciding whether a release executed by a minor under peculiar circumstances was void, or only voidable, adjudged that a second release, executed after he attained his majority, under the special circumstances of that case, and full proof of fairness and frankness, on an unreserved disclosure of facts, and careful examination of accounts, by the friends and advisers of the minor, was good, and that these circumstances would be regarded as the operating causes of the second release, at the time of its execution.

It cannot be denied that the question involved in this case has been the subject of much controversy in the English Chancery, and that conflicting opinions in regard to it have been entertained and expressed by the eminent men who have presided over that Court.

Mr. Atherly, in his treatise on *Marriage Settlements*, commencing at page 29, after a review of most of the cases, comes to the conclusion, that the authorities in favor of an infant's being able to bind her real estate by a settlement upon marriage, greatly preponderate over those the other way, though he very frankly admits that the point cannot be considered as settled.

On the other hand, *McPherson on Infants*, after an examination of the same cases, and perhaps of some others, arrives at a different result, and concludes that it is now established that the real estate of a female infant is not bound, so far as she is concerned, by a settlement on her marriage, because the general incapacity of infancy invalidates her contract, and the contract of the husband cannot extend beyond the limited interest which he acquires by the marriage.

There would seem to be no doubt of the power of a female infant to bar herself, by her contract before marriage, of her right of dower in her husband's lands, and of her distributive share of her personal estate. The decree of *Lord Nottingham* to the contrary, in *Drury vs. Drury*, in 2 *Eden's Rep.*, 39, was reversed in the House of Lords, and this reversal is con-