

thus charged before marriage, the wife would be dowable of the reversion and the rent;(r) so, if the husband and wife join in levying a fine to effect a mortgage, and nothing more, the wife's interest will be affected to the extent of the mortgage, and no further. She will have a right to redeem, and may call on the personal representatives of her deceased husband to discharge the mortgage debt out of his personal estate, so as to free her dower from all incumbrance.(s)

It may be regarded as a rule, that the interest of a *feme covert*, who joins in levying a fine, will be affected no further than according to the express intention of the fine. Hence, if its only object be to improve the title and give additional security to the lessee for years, or mortgagee, her rights will be impaired in no respect not necessary for that purpose, and she will be allowed to take her dower in like manner as if such lease or mortgage had been made before the marriage.

To prevent the creation of perpetuities, it is laid down as a general rule of law in England, that all lands may be charged or aliened in one way or other. The mode of conveyance must be adapted to the nature of the case; but, if the proper method be pursued, the alienation may, in most cases, be made effectual whatever may be the nature of the estate or interest of the grantor. If it be an estate tail, it may be barred by a fine or common recovery; or if, by reason of the peculiar nature of the estate, a fine cannot be levied, or a common recovery had, then a deed or common conveyance will be sufficient.(t) And in all cases, a *feme covert*, if she be of full age, may alien her fee simple estate, or relinquish her claim to dower by means of a fine. Fines were always binding upon married women; though it was thought proper to make them liable to examination by a statute of the year 1290;(u) but it was not merely by the examination that the fine had its efficacy.(v) The mode of conveyance by fine is couched in the form of a suit upon an agreement; as to which the wife is examined by the judges of the court apart from her husband, so that it may appear to them, that she perfectly understands what she is about to do, and freely gives her consent to it; and if they doubt of her age, they may examine her upon oath, before they pronounce

(r) Co. Litt. 343; Lampet's case, 10 Co. 49.—(s) Pow. Mort. 677, note D.

(t) Otway v. Hudson, 2 Vern. 584; Moore v. Moore, 2 Ves. 601; Everall v. Smalley, 1 Wils. 26.—(u) 18 Ed. 1, stat. 4; Kilt. Rep. 146.—(v) Richards v. Chambers, 10 Ves. 587.