

person, his heir, executors, administrators or assigns, of the existence or of the possibility or probability of the existence of any subsisting creditor or creditors of such husband.

See notes to sec. 1.

1904, art. 45, sec. 3. 1888, art. 45, sec. 3. 1860, art. 45, sec. 3. 1853, ch. 245, sec. 3. 1898, ch. 457.

3. It shall not be necessary for a married woman to have a trustee to secure to her the sole and separate use of her property; but if she desires it, she may make a trustee by deed, or she may apply to a court of equity and have a trustee appointed, in which appointment the uses and trusts for which the trustee holds the property shall be declared.

The legal title to her property is vested in a married woman by law. *Barton v. Barton*, 32 Md. 223.

The scope and purpose of this section in connection with sections 1 and 2 of article 45 of the code of 1860 (relative to the wife's separate property and its not being liable for the husband's debts, to conveyances from husband to wife and to the husband's interest in his wife's property, upon her death intestate), discussed. *Unger v. Price*, 9 Md. 558. See also, *Bridges v. McKenna*, 14 Md. 265.

Object of section 3, article 45 of the code of 1860 (doing away with the necessity of a married woman's having a trustee). A conflict of laws growing out of the residence of the husband and wife in another state, discussed. *Smith v. McAtee*, 27 Md. 436.

For a case involving the execution of a use, as applicable to married women and their trustees when the latter were required, see *Ware v. Richardson*, 3 Md. 506.

*Ibid.* sec. 4. 1898, ch. 457, sec. 4.

4. Married women shall hold all their property of every description for their separate use, as fully as if they were unmarried, and shall have all the power to dispose of by deed, mortgage, lease, will or any other instruments that husbands have to dispose of their property, and no more; provided, that no disposition of her real or personal property, or any portion thereof, by deed, mortgage, bill of sale, or other conveyance, shall be valid if made by a married woman under eighteen years of age, unless her husband shall unite therein.

#### **Wife's separate estate.**

Where a married woman, prior to the act of 1898, executed a note and added to her signature words binding her separate estate, held that these words did not create a specific lien so as to give the holder of the note a priority in the distribution of the separate property. *Western Bank v. Union Bank*, 91 Md. 621.

The acts of 1842, ch. 293, and 1853, ch. 245, did not invest a married woman with a separate estate, so as to exclude the marital rights of the husband. *Six v. Shaner*, 26 Md. 442. See also, *Mutual Ins. Co. v. Deale*, 18 Md. 47; *Bridges v. McKenna*, 14 Md. 266; *Logan v. McGill*, 8 Md. 469; *Brent v. Taylor*, 6 Md. 68.

For cases arising under article 45, sections 1 and 2 of the codes of 1860 and 1888 (relative to the wife's separate property and her power of disposition thereof, etc.), see *Klecka v. Ziegler*, 81 Md. 484; *Griffin v. Blandin*, 80 Md. 136; *Frazee v. Frazee*, 79 Md. 29; *Wagoner v. Wagoner*, 77 Md. 195; *Roane v. Hollingshead*, 76 Md. 371 (involving the right of a married woman to make a will and the revocation thereof); *Wingert v. Gordon*, 66 Md. 109; *Clark v. Wootton*, 63 Md. 117; *Armstrong v. Kerns*, 61 Md. 366; *Frostburg Bldg. Assn. v. Hamill*, 55 Md. 315; *Frazier v. White*, 49 Md. 7; *Mason v. Johnson*, 47 Md. 357 (deciding that the husband's curtesy did not exist with