

reference to the property held under section 2, code 1860); *Trader v. Lowe*, 45 Md. 14; *Whitridge v. Barry*, 42 Md. 152; *Herbert v. Gray*, 38 Md. 536 (dissenting opinion); *Preston v. Fryer*, 38 Md. 225; *Hill v. Hill*, 38 Md. 184; *Hubbard v. Barcus*, 38 Md. 180; *Hall v. Eccleston*, 37 Md. 518 (discussing also the law prior to 1860); *Barton v. Barton*, 32 Md. 224; *Schull v. Murray*, 32 Md. 16; *Krone v. Linville*, 31 Md. 145; *Buchanan v. Turner*, 26 Md. 6; *Weems v. Weems*, 19 Md. 344; *Lawes v. Lumpkin*, 18 Md. 340; *Unger v. Price*, 9 Md. 557.

As to how a wife's separate estate was created prior to the code of 1860, see *Brandt v. Mickle*, 28 Md. 449; *Hutchins v. Dixon*, 11 Md. 37; *Taggart v. Boldin*, 10 Md. 117; *Turton v. Turton*, 6 Md. 376; *Carroll v. Lee*, 3 G. & J. 504.

For a case involving the authority of a married woman to dispose of personal property held to her separate use prior to the code of 1860, see *Chew v. Beall*, 13 Md. 359.

A separate estate in the wife in personal property was unknown to the common law. *Carroll v. Lee*, 3 G. & J. 504.

Married women under age.

For a mortgage by a married woman under age, held invalid, see *Cronise v. Clark*, 4 Md. Ch. 404. As to contracts by a female infant in contemplation of marriage, see *Levering v. Heighe*, 3 Md. Ch. 370; *Levering v. Heighe*, 2 Md. Ch. 81.

Prior to the act of 1888, ch. 329 (see section 12), a married woman under age could not relinquish her dower by uniting in a mortgage. *Glenn v. Clark*, 53 Md. 603.

As to a conveyance of dower by a married woman under age, see sec. 12.

As to the power of married women between eighteen and twenty-one years of age, to make a deed of trust, see art. 21, sec. 1.

Generally.

A deed by a married woman not in conformity to the law at the time it is executed, is void. *Gebb v. Rose*, 40 Md. 387; *Preston v. Fryer*, 38 Md. 225.

The provisions of sections 1 and 2 of article 45 of the code of 1860, authorizing married women to acquire and hold property, do not affect the nature of the estate conveyed by a deed to them jointly. *Fladung v. Rose*, 58 Md. 21; *Marburg v. Cole*, 49 Md. 412.

For cases arising under section 11 of the code of 1860 (relating to the right of a married woman to convey her property jointly with her husband), see *Armstrong v. Kerns*, 61 Md. 366; *Greenholtz v. Haefter*, 53 Md. 186; *Whitridge v. Barry*, 42 Md. 152; *Gebb v. Rose*, 40 Md. 392; *Emerick v. Coakley*, 35 Md. 191.

For a case discussing article 45, section 2 of the code of 1860, with reference to whether our insolvent laws extended to married women (prior to article 47, section 35), see *Relief Bldg. Assn. v. Schmidt*, 55 Md. 100.

For a case involving the execution by a married woman, of a power, see *Schley v. McCeney*, 36 Md. 266.

Cited but not construed in *Barton v. Barton*, 32 Md. 223 (article 45, section 2, code of 1860); *Allers v. Forbes*, 59 Md. 376 (article 45, section 2, code of 1888); *Vogel v. Turnt*, 110 Md. 198.

1904, art. 45, sec. 5. 1898, ch. 457, sec. 5.

5. Married women shall have power to engage in any business, and to contract, whether engaged in business or not, and to sue upon their contracts, and also to sue for the recovery, security or protection of their property, and for torts committed against them, as fully as if they were unmarried; contracts may also be made with them, and they may also be sued separately upon their contracts, whether made before or during marriage, and for wrongs independent of contract committed by them before or during their marriage, as fully as if they were unmarried; and upon judgments recovered against them, execution may be issued as if they were unmarried; nor shall any husband be