

liable upon any contract made by his wife in her own name and upon her own responsibility, nor for any tort committed separately by her out of his presence, without his participation or sanction.

Contracts by married women.

Prior to the act of 1898, all a married woman's contracts, agreements and covenants were void except as to her separate estate. Where (prior to said act) a wife joined with her husband in a deed for the purpose of barring her dower, she is not liable on the covenants of general warranty in the deed. *Pyle v. Gross*, 92 Md. 133. And see *Lyell v. Walbach*, 113 Md. 577; *Six v. Shaner*, 26 Md. 444.

A married woman's contract made prior to the act of 1898, being void, can not be revived by a promise made subsequent to said act, there being no consideration for the subsequent promise. *Lyell v. Walbach*, 113 Md. 579.

For a discussion of the power of the wife by joining her husband to contract with reference to her separate property held under section 2 of the code of 1860, and also under the law prior thereto, see *Wingert v. Gordon*, 66 Md. 109.

Suits by married women.

Since the act of 1898, a married woman may sue in her own name for torts committed against her, whether the cause of action arose before or after said act went into effect (January 1, 1899). *Wolf v. Frank*, 92 Md. 143.

Prior to the act of 1898, it was necessary for the husband and wife to join in suing for a personal injury to the wife. *Samarzevosky v. Baltimore City Pass. Ry. Co.*, 88 Md. 480 (construing in this regard the act of 1892, ch. 267, and section 4 of the code of 1888); *Treusch v. Kamke*, 63 Md. 278.

As to the joinder *vel non* of the wife and of the husband in a suit for trover and trespass to the wife's separate and other property held under the act of 1853, ch. 245, see *Barr v. White*, 22 Md. 264.

What "property" a wife might sue for by her next friend under article 45, section 4 of the code of 1860. Formerly a married woman could not sue her husband at law during coverture, although she could sue his executor. (See section 20.) *Barton v. Barton*, 32 Md. 224. See also, *Samarzevosky v. Baltimore City Pass. Ry. Co.*, 88 Md. 480.

A suit by the wife for a personal tort was not included in article 45, section 4 of the code of 1860 (relative to the wife suing by her next friend). *Treusch v. Kamke*, 63 Md. 283.

For cases arising under article 45, section 4 of the codes of 1888 and 1860 (as to a married woman suing by her next friend), see *Wolf v. Bauereis*, 72 Md. 485; *Herzberg v. Sachse*, 60 Md. 431; *Abrahams v. Trappe*, 60 Md. 323; *Frazier v. White*, 49 Md. 7; *Strasburger v. Barber*, 38 Md. 109; *Heck v. Vollmer*, 29 Md. 511; *Bridges v. McKenna*, 14 Md. 266.

For a case involving the act of 1882, ch. 265 (section 7 of the code of 1888), with reference to a married woman suing as if she were a *feme sole*, see *Baltimore City Pass. Ry. Co. v. Kemp*, 61 Md. 78.

Suits against married women.

Prior to the act of 1898, a married woman could only be sued in the cases in which it was so provided by some section of this article, and it was necessary that the declaration show conditions existing to bring the suit under such section. There was no such section covering a suit for personal services to a married woman, and she herself being not liable, neither was her estate. *Davis v. Carroll*, 71 Md. 568. See also, *Frazee v. Frazee*, 79 Md. 29.

Independent of the act of 1898, the husband should be made a co-defendant with the wife in a bill to enforce a mechanics' lien against her property. *Clark v. Boardman*, 89 Md. 430. And see *Linthicum v. Polk*, 93 Md. 96.

For cases involving the act of 1872, ch. 270 (section 2 of article 45 of the code of 1888), with reference to the wife being sued jointly with her husband, etc., see *Wolfe v. Murray*, 96 Md. 730; *Western Bank v. Union Bank*, 91 Md. 621; *Taylor v. Welslager*, 90 Md. 416; *Taylor v. Welslager*, 90 Md. 411; *Harvard Publishing Co. v. Benjamin*, 84 Md. 338; *Klecka v. Ziegler*, 81 Md. 484; *Frederick Institution v. Michael*, 81 Md. 499; *Hoffman v. Shupp*, 80