

Md. 615; *Fraze v. Fraze*, 79 Md. 29; *Hooper v. Callahan*, 78 Md. 536; *Baker v. Keiser*, 75 Md. 337; *Davis v. Carroll*, 71 Md. 571; *Mitchell v. Farrish*, 69 Md. 240; *Schroeder v. Turner*, 68 Md. 509; *Wilmer v. Gaither*, 68 Md. 344; *Maulsby v. Byers*, 67 Md. 441; *Duckett v. Jenkins*, 66 Md. 268; *Smith v. State*, 66 Md. 216; *Wilderman v. Rogers*, 66 Md. 129; *Ahern v. Fink*, 64 Md. 163; *Lowekamp v. Koechling*, 64 Md. 96; *Fowler v. Jacob*, 62 Md. 331; *Allers v. Forbes*, 59 Md. 376; *Sturmfels v. Frickey*, 43 Md. 571; *Herbert v. Gray*, 38 Md. 531; *Hall v. Eccleston*, 37 Md. 521.

#### Generally.

For cases arising under article 45, section 7 of the codes of 1860 and 1888 (relative to a married woman engaging in business), see *Samarzevosky v. Baltimore City Pass. Ry. Co.*, 88 Md. 480; *Baker v. Hedrich*, 85 Md. 661; *Manning v. Carruthers*, 83 Md. 9; *Hoffman v. Shupp*, 80 Md. 615; *Wolf v. Bauereis*, 72 Md. 483; *Poffenberger v. Poffenberger*, 72 Md. 324; *Neale v. Hermanns*, 65 Md. 475; *Ahern v. Fink*, 64 Md. 164 (dissenting opinion); *Ahern v. Fink*, 64 Md. 163; *Fowler v. Jacob*, 62 Md. 331; *Hoffman v. Reed*, 57 Md. 373; *Odend'hal v. Devlin*, 48 Md. 444; *Oswald v. Hoover*, 43 Md. 370; *Bradstreet v. Baer*, 41 Md. 23; *Six v. Shaner*, 26 Md. 442; *Davis v. Patton*, 19 Md. 128; *Bridges v. McKenna*, 14 Md. 265; *Crane v. Seymour*, 3 Md. Ch. 483.

See sections 15 and 20.

As to the power of a married woman to make a will, see art. 93, sec. 335.

The period of limitations is not extended because the plaintiff is a married woman—art. 57, sec. 7.

As to a married woman taking the benefit of our insolvent laws, see art. 47, sec. 35.

As to licenses to married women to sell spirituous liquors, and their criminal and civil responsibility therefor, see art. 56, sec. 39.

1904, art. 45, sec. 6. 1888, art. 45, sec. 5. 1860, art. 45, sec. 5. 1818, ch. 193, sec. 10. 1898, ch. 457, sec. 6.

**6.** A widow shall be entitled to dower in lands held by equitable as well as legal title in the husband at any time during the coverture, whether held by him at the time of his death or not, but such right of dower shall not operate to the prejudice of any claim for the purchase money of such lands, or other lien on same.

#### Dower as affected by mortgages.

Where a widow joins with her husband in executing a mortgage and subsequently the latter makes a deed for the benefit of creditors and the property is sold by his trustees, the widow is only entitled to dower in the surplus after the mortgage debt is paid. If the property is redeemed by the purchaser of the equity, the widow is only entitled to dower if she contributes her proportion of the mortgage debt. *Bank of Commerce v. Owens*, 31 Md. 324. See also, *Mantz v. Buchanan*, 1 Md. Ch. 204.

The last clause of this section applied. The widow held dower in the surplus only. *Glenn v. Clark*, 53 Md. 604; *Ellicott v. Welch*, 2 Bl. 244. See also, *Miller v. Stump*, 3 Gill, 304.

A widow who has joined with her husband in a mortgage has a right to redeem the mortgage although there has been no assignment of dower. This right is not affected by a second mortgage from the husband alone to the mortgagee; nor need she pay the second mortgage. *Hays v. Cretin*, 102 Md. 702. See also, *Mantz v. Buchanan*, 1 Md. Ch. 204.

A widow may require the personal representative of her husband to apply the personal estate to the extinguishment of a mortgage, so as to free her dower. *Mantz v. Buchanan*, 1 Md. Ch. 204.

For cases (prior to the act of 1898) involving the question of whether a mortgage or other lien upon lands held by legal title was sufficiently a part of the same transaction as the purchase, to defeat the wife's dower, see *Glenn v. Clark*, 53 Md. 605; *Rawlings v. Lowndes*, 34 Md. 643.

#### Generally.

A married woman's inchoate right of dower is a mere *chose in action*. Hence, she is a stranger to the title (where her husband owns the land), and