

by the wife alone bar such estate of the husband therein, and this estate shall be known as the husband's dower, and the statute and common law of this State as to the wife's dower shall be construed to be applicable to this estate unless such construction would be unreasonable.

The act of 1898, ch. 457 (together with the act of 1898, ch. 331), practically made the marital rights of husband and wife the same so far as respects their property. *Collins v. Collins*, 98 Md. 480.

Where a devisee dies before the testator, the devisee's husband is not entitled to dower in the land devised, by the terms of this section alone. He is so entitled, however, in view of article 93, section 326. The terms property held "at any time during the marriage" and "whether held by her at the time of her death or not," limited and discussed. *Vogel v. Turnt*, 110 Md. 201.

This section has no retroactive effect to impair existing property rights, and hence does not, and could not constitutionally, apply where the marriage occurred and the property was acquired prior to its adoption. In such case the husband's rights are not governed by this section, and his creditors can not proceed as though they were. *Harris v. Whiteley*, 98 Md. 441. See also, *Slingluff v. Hubner*, 101 Md. 657; *Safe Deposit Co. v. Gittings*, 103 Md. 495.

The words "property belonging" to a married woman include a vested remainder. Sections 1 and 2 of the code of 1860, relative to the life estate of a husband in his deceased wife's property, construed and applied. When the latter law is applicable. *Snyder v. Jones*, 99 Md. 696.

It was not until article 3, section 38 of the constitution of 1851, and article 45, section 2 of the code of 1860, that the common law rule by which a surviving husband was entitled, without administration, to all the chattels real of his wife, was altered. Hence, an equitable leasehold interest vested in the wife in 1838 passed to the husband absolutely. *Abell v. Firemen's Ins. Co.*, 93 Md. 600.

For cases arising under article 45, section 2 of the codes of 1860 and 1888, see *Schaub v. Griffin*, 84 Md. 563; *Engel v. State*, use of Geiger, 65 Md. 546; *Willis v. Jones*, 57 Md. 366; *Frostburg Bldg. Assn. v. Hamill*, 55 Md. 315; *Brown v. Bokee*, 53 Md. 163; *Frazier v. White*, 49 Md. 7; *Mason v. Johnson*, 47 Md. 357 (deciding that the husband's curtesy did not exist with reference to property held under section 2); *Willis v. Jones*, 42 Md. 423; *Herbert v. Gray*, 38 Md. 536 (dissenting opinion); *Hubbard v. Barcus*, 38 Md. 180; *Krone v. Liuville*, 31 Md. 145; *Meyer v. Eisler*, 29 Md. 34; *Stockett v. Bird*, 18 Md. 488; *McKee v. McKee*, 17 Md. 360 (involving also the law prior to 1860).

For cases involving the act of 1841, ch. 161 (suspending execution against the husband's curtesy during the wife's life), see *Jordan v. Reynolds*, 105 Md. 296; *Logan v. McGill*, 8 Md. 469.

See sec. 6 and notes.

As to an assignment of the husband's dower, see art. 46, sec. 57, *et seq.*

See art. 93, sec. 301, *et seq.*

1904, art. 45, sec. 8. 1888, art. 45, sec. 8. 1860, art. 45, sec. 8. 1862, ch. 9.  
1868, ch. 471, sec. 101. 1898, ch. 457, sec. 8.

8. Any married woman by herself and in her name or in the name of any third person with his assent as her trustee may insure or cause to be insured for her sole use the life of her husband for any definite period or for the term of his natural life; and any husband may cause his own life to be insured for the sole use of his wife and may also assign any policy of insurance upon his own life to his wife for her sole use; and in case of the wife surviving her husband, the sum or net amount of such insurance becoming due and payable by the terms of the insurance shall be payable to her for her own use, free from the claims of the representatives of her husband, or any of his creditors.

An assignment by husband and wife of insurance payable to the wife may be made notwithstanding this section. *Emerick v. Coakley*, 35 Md. 190.