

ARTICLE XLV.

HUSBAND AND WIFE.

7. Husband's dower; provisos; applies where wife dies after June 1, 1918.

1.

Where a house owned by husband and wife as tenants by the entireties is damaged by fire and the husband refuses to allow the insurance money to be used in repairing the property, equity may grant relief by appointing a receiver; procedure. Nature of tenancy by the entireties. Sections 1 and 2 of article 45 of the code of 1860, and section 1 of article 45 of the code of 1888, and that section as amended by act of 1892, chapter 267, and section 2 of that article as amended by act of 1890, chapter 394, dealt with. *Masterman v. Masterman*, 129 Md. 170.

The act of 1853, chapter 245, did not impair or alter the marital rights of the husband in his wife's property, but placed it beyond the reach of his creditors. *Masterman v. Masterman*, 129 Md. 171.

The act of 1898, chapter 457, has no application to a deed executed before that act took effect (January 1, 1899). Construing together sections 2, 3 and 11 of article 45 of the code of 1860, while a married woman could not convey her property without the joinder of her husband, she could join with her husband in conveying such property to the latter as trustee. Statute of Uses. *Brandau v. McCurley*, 124 Md. 244.

Where a bill of complaint shows that the plaintiff did not assert his claims within three years from the passing of the property from the husband to the wife, and no reasonable explanation is given of the delay, the bill is demurrable. *Nimmo v. Blick*, 128 Md. 328.

This article referred to in deciding that a husband who has received sufficient of his wife's money to pay off an indebtedness for which he has become surety, must be regarded as reimbursed. *Nihiser v. Nihiser*, 127 Md. 461.

Reasons for delay in attacking a conveyance of property from husband to wife under this section, held insufficient. *Dixon v. Dixon*, 128 Md. 5.

2.

See notes to section 1.

3.

See notes to section 1.

4.

See notes to section 1.

5.

A married woman may sue in her own name for the protection of her property regardless of when she acquired her interest in it. She may sue the husband in equity even if section 20 is not applicable. *Masterman v. Masterman*, 129 Md. 177.

This section referred to in construing article 56, sections 38 and 39—see notes to section 39. *Crew Levick Co. v. Hull*, 125 Md. 10.

See notes to section 21.

6.

See article 46, sections 1-4.