

See art. 16, sec. 43, *et seq.*; art. 46, secs. 1-4; art. 93, sec. 125, *et seq.*, and sec. 310, *et seq.*

As to the assignment of dower and a sale of the land with the widow's consent, see art. 46, secs. 37 and 38.

An. Code, sec. 7. 1904, sec. 7. 1898, ch. 457, sec. 7. 1904, ch. 151. 1914, ch. 516.
1918, ch. 410, sec. 7.

7. Every husband shall acquire by virtue of his marriage an estate for his life in one-third of the lands held or owned by his wife at any time during the marriage, whether by legal or equitable title, or whether held by her at the time of her death or not, but such estate shall not operate to the prejudice of any claim for the purchase money of such lands, or other lien on the same; nor shall any conveyance of such lands 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.

And this section shall apply to every case where a wife dies after the first of June, 1918, and her husband survives her, without regard to when the property was acquired or the marriage occurred.

Sec. 4 removes the limitation on capacity of wife to convey without her husband, but such conveyance is subject to any rights he has acquired by reason of the marital relation; if wife takes property title to which is subject to limitations imposed by a statute, a conveyance by her alone pursuant to a later statute is not void, but merely subject to conditions in effect during the existence of prior statute. *Beinbrink v. Fox*, 121 Md. 112.

Act of 1898, ch. 457 (together with 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 testator, devisee's husband is not entitled to dower in land devised, by terms of this section alone. He is so entitled, however, in view of art. 93, sec. 335. 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. Turmt*, 110 Md. 201.

This section has no retroactive effect to impair existing property rights, and hence does not, and could not constitutionally, apply where marriage occurred and property was acquired prior to its adoption. In such case husband's rights are not governed by this section, and his creditors cannot proceed as though they were. *Harris v. Whiteley*, 98 Md. 441. See also *Slingsluff v. Hubner*, 101 Md. 657; *Safe Deposit Co. v. Gittings*, 103 Md. 495; *Jeavons v. Pittman*, 126 Md. 652; *Beinbrink v. Fox*, 121 Md. 112.

Words "property belonging" to a married woman include a vested remainder. Secs. 1 and 2 of Code of 1860, relative to 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 art. 3, sec. 38, of Constitution of 1851, and art. 45, sec. 2, of Code of 1860, that common law rule by which a surviving husband was entitled, without administration, to all chattels real of his wife, was altered. Hence, an equitable leasehold interest vested in wife in 1838 passed to husband absolutely. *Abell v. Firemen's Ins. Co.*, 93 Md. 600.

For cases arising under art. 45, sec. 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 husband's curtesy did not exist with reference to property held under sec. 2); *Willis v. Jones*, 42 Md. 423; *Herbert v. Gray*, 38 Md., 536 (dissenting opinion); *Hubbard v. Barcus*, 38 Md. 180; *Krone v. Linville*, 31 Md. 145; *Meyer v. Eisler*, 29 Md. 34; *Stockett v. Bird*, 18 Md. 488; *McKee v. McKee*, 17 Md. 360 (involving also law prior to 1860); *Beinbrink v. Fox*, 121 Md. 112.