

A married woman's contract made prior to act of 1898, being void, cannot 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 wife by joining her husband to contract with reference to her separate property held under sec. 2 of Code of 1860, and also under law prior thereto, see *Wingert v. Gordon*, 66 Md. 109.

Even prior to this section, a married woman was a competent purchaser of property and upon her failure to comply with purchase, property could be sold at her risk, she being personally liable for any deficiency. *Whitely v. Whitely*, 117 Md. 546.

This section referred to in a suit against a decedent's executors for board and lodging, where defense was that agreement to pay was with decedent's wife. *Herman v. Oehrl*, 116 Md. 515.

#### Suits by married women.

This section does not enable wife to maintain action against husband for personal tort. *Furstenburg v. Furstenburg*, 152 Md. 249.

Since a married woman cannot sue her husband in tort, she cannot maintain an action in tort against a partnership of which her husband is a member. *David v. David*, 161 Md. 532.

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

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

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

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

A married woman may maintain a suit for board and for services rendered an aunt. *Neudecker v. Leister*, 132 Md. 576.

What "property" a wife might sue for by her next friend under art. 45, sec. 4, of Code of 1860. Formerly a married woman could not sue her husband at law during coverture, although she could sue his executor. (See sec. 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 art. 45, sec. 4, of Code of 1860 (relative to the wife suing by her next friend). *Treusch v. Kamke*, 63 Md. 283.

For cases arising under art. 45, sec. 4, of 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 case involving act of 1882, ch. 265 (sec. 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 act of 1898, a married woman could only be sued in cases in which it was so provided by some section of this article, and it was necessary that declaration show conditions existing to bring 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 act of 1898, husband should be made a co-defendant with wife in bill to enforce a mechanics' lien against her property. *Clark v. Boarman*, 89 Md. 430. And see *Linthicum v. Polk*, 93 Md. 96.

For cases involving act of 1872, ch. 270 (sec. 2 of art. 45, of Code of 1888), with reference to 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 Md. 615; *Frazee v. Frazee*, 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; *Sturmfelsz v. Frickey*, 43 Md. 571; *Herbert v. Gray*, 38 Md. 531; *Hall v. Eccleston*, 37 Md. 521.