

Generally.

Under this section and sec. 20, a married woman in Maryland may sue for the recovery or protection of her property either at law or in equity, and may be sued separately upon her contracts; she may sue or be sued by her husband. *Cochrane v. Cochrane*, 139 Md. 533; *Furstenburg v. Furstenburg*, 152 Md. 252.

This section referred to in deciding that alimony *pendente lite* would not be allowed where wife had ample means of her own, and though it is primarily the duty of the father to support infant children. *Hood v. Hood*, 138 Md. 358.

This section referred to in construing art. 56, secs. 40 and 41—see notes to sec. 41. *Crew Levick Co. v. Hull*, 125 Md. 10.

For cases arising under art. 45, sec. 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; *Oden'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 secs. 15 and 20 and notes to sec. 21.

Married women are entitled to letters testamentary or of administration as though unmarried—art. 93, sec. 62.

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

As to married woman taking benefit of insolvent laws, see art. 47, sec. 37.

As to licenses to married women to sell spirituous liquors, and their criminal and civil responsibility therefor, see art. 56, sec. 41.

An. Code, 1924, sec. 6. 1912, sec. 6. 1904, sec. 6. 1888, 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 latter makes a deed for benefit of creditors and property is sold by his trustees, the widow is only entitled to dower in the surplus after mortgage debt is paid. If property is redeemed by purchaser of the equity, widow is only entitled to dower if she contributes her proportion of mortgage debt. *Bank of Commerce v. Owens*, 31 Md. 324. See also *Mantz v. Buchanan*, 1 Md. Ch. 204.

Last clause of this section applied. The widow held dower in 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 mortgage although there has been no assignment of dower. This right is not affected by a second mortgage from husband alone to mortgagee; nor need she pay 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 act of 1898) involving question of whether a mortgage or other lien upon lands held by legal title was sufficiently a part of same transaction as purchase, to defeat wife's dower, see *Glenn v. Clark*, 53 Md. 605; *Rawlings v. Lowndes*, 34 Md. 643.

Only value of dower in real estate subject to federal estate tax. *Tait v. Safe Deposit & Trust Co.*, 70 Fed. (2nd), 79.

Cited but not construed in *Scher v. Becker*, 163 Md. 203.

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 land), and her covenants in a deed (prior to act of 1898) conveying land, do not run with the land. Her deed operates only by way of estoppel or release. *Pyle v. Gross*, 92 Md. 134.

The right of dower is favored in the law. Act of 1818, ch. 193, sec. 10, construed. A widow is entitled to dower in an equitable estate, however created, provided it does not prejudice liens attached before the marriage or subsequently with her consent.