

The words, "other liens," refer to liens so created. *Lynn v. Gephart*, 27 Md. 563. See also *Bowie v. Berry*, 3 Md. Ch. 363; *Mantz v. Buchanan*, 1 Md. Ch. 208.

Prior to act of 1898, ch. 457, wife was not entitled to dower in equitable estate of her husband unless he died possessed thereof. Act of 1898, ch. 457, sec. 6, will not be given a retroactive effect so as to affect marriages solemnized and property acquired prior to such act. *Slingluff v. Hubner*, 101 Md. 657. See also *Safe Deposit Co. v. Gittings*, 103 Md. 496; *Harris v. Whiteley*, 98 Md. 441; *Rabbitt v. Gaither*, 67 Md. 98; *Glenn v. Clark*, 53 Md. 604; *Bank of Commerce v. Owens*, 31 Md. 324; note (a) to *Miller v. Stump*, 3 Gill, 304; *Purdy v. Purdy*, 3 Md. Ch. 547; *Bowie v. Berry*, 3 Md. Ch. 361; *Bowie v. Berry*, 1 Md. Ch. 452.

Where a husband who holds an equitable title to land executes a bond of conveyance and then acquires legal title and subsequently dies, the purchase money not having been paid, wife is entitled to dower. It may be that a different rule would apply if contract to convey were made before dower had once attached. Dower is regarded as a continuation of husband's estate, and there is no *mesne seisin*. Where, however, a part of the money received by husband from vendee is applied in part payment for land, this sum must be deducted from value of land before dower is assigned. Improvements put upon land by vendee must also be excluded in assignment of dower. *Bowie v. Berry*, 3 Md. Ch. 361. And see *Bowie v. Berry*, 1 Md. Ch. 452.

Where the equitable title was mortgaged prior to adoption of this section and property sold in husband's lifetime, the widow is not entitled to dower. This section could not operate to prejudice of creditors and heirs who became such prior to its enactment. *Hopkins v. Frey*, 2 Gill, 363. And see *Stelle v. Carroll*, 12 Pet. 211.

Where a husband has an equitable interest in land subject to payment of certain sums, a judgment subsequently obtained is subordinate to wife's dower, though latter is subordinate to purchase money of land and to money secured by deed creating equitable interest. *Steuart v. Beard*, 4 Md. Ch. 321.

Widow is entitled in equity to her dower in lands conveyed to a third party instead of to husband, with intent to defraud her. *Rabbitt v. Gaither*, 67 Md. 94.

In assigning dower, the land is valued as of time of husband's death, and not as of time of a prior conveyance of land without wife's consent, unless increased value arose from labor and money of purchaser. *Bowie v. Berry*, 1 Md. Ch. 454.

What kind of lands a widow is dowable in. Act of 1818, ch. 193, sec. 10, held to have no application. *Spangler v. Stanler*, 1 Md. Ch. 37. And see *Marbury v. Brien*, 15 Pet. 38.

Cited but not construed in *Vogel v. Turnt*, 110 Md. 201.

Cited in *Safe Deposit & Trust Co.*, 3 F. Supp. 151.

As to how dower may be relinquished, see sec. 12.

See art. 16, sec. 46, *et seq.*; art. 46, secs. 1-4; art. 93, sec. 128, *et seq.*, and sec. 313, *et seq.*

As to the assignment of dower and a sale of the land with the widow's consent, see art. 46, secs. 38 and 39.

An. Code, 1924, sec. 7. 1912, 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.