

or greater right, lien or cause of action against such interest or estate, or against any third person, his heirs, executors, administrators or assigns, than such creditors would have had in case such interest or estate had been sold, conveyed, assigned, mortgaged, leased, transferred or delivered, or devised, or bequeathed by such husband directly or indirectly to such third person. And the fact of such previous sale, conveyance, assignment, mortgage, lease or delivery by such husband, directly or indirectly, to his wife, or the recital thereof, in any instrument of writing whatever, shall not hereafter be deemed or taken at law or in equity to give or impart, nor to have given or imparted notice to any third person, his heir, executors, administrators or assigns, of the existence or of the possibility or probability of the existence of any subsisting creditor or creditors of such husband.

See notes to sec. 1.

An. Code, 1924, sec. 3, 1912, sec. 3. 1904, sec. 3. 1888, sec. 3. 1853, ch. 245, sec. 3. 1898, ch. 457.

3. It shall not be necessary for a married woman to have a trustee to secure to her the sole and separate use of her property; but if she desires it, she may make a trustee by deed, or she may apply to a court of equity and have a trustee appointed, in which appointment the uses and trusts for which the trustee holds the property shall be declared.

The legal title to her property is vested in a married woman by law. *Barton v. Barton*, 32 Md. 223.

Scope and purpose of this section in connection with secs. 1 and 2 of art. 45 of the Code of 1860 (relative to wife's separate property and its not being liable for husband's debts, to conveyances from husband to wife and to husband's interest in his wife's property, upon her death intestate), discussed. *Unger v. Price*, 9 Md. 558. See also *Bridges v. McKenna*, 14 Md. 265.

Object of sec. 3, art. 45, of Code of 1860 (doing away with necessity of a married woman's having a trustee). A conflict of laws growing out of residence of the husband and wife in another state, discussed. *Smith v. McAtee*, 27 Md. 436.

For case involving execution of a use, as applicable to married women and their trustees when the latter were required, see *Ware v. Richardson*, 3 Md. 506.

See notes to sec. 1.

An. Code, 1924, sec. 4. 1912, sec. 4. 1904, sec. 4. 1898, ch. 457, sec. 4. 1914, ch. 406.

4. Married women shall hold all their property of every description for their separate use, as fully as if they were unmarried, and shall have all the power to dispose of by deed, mortgage, lease, will or any other instruments that husbands have to dispose of their property, and no more.

Wife's separate estate.

Where a married woman, prior to act of 1898, executed a note and added to her signature words binding her separate estate, held that these words did not create a specific lien so as to give the holder of the note a priority in distribution of the separate property. *Western Bank v. Union Bank*, 91 Md. 621.

Acts of 1842, ch. 293, and 1853, ch. 245, did not invest a married woman with a separate estate, so as to exclude marital rights of husband. *Six v. Shaner*, 26 Md. 442. See also *Mutual Ins. Co. v. Deale*, 18 Md. 47; *Bridges v. McKenna*, 14 Md. 266; *Logan v. McGill*, 8 Md. 469; *Brent v. Taylor*, 6 Md. 63.

For cases arising under art. 45, secs. 1 and 2, of Codes of 1860 and 1888 (relative to the wife's separate property and her power of disposition thereof, etc.), see *Klecka v. Ziegler*, 81 Md. 484; *Griffin v. Blandin*, 80 Md. 136; *Frazee v. Frazee*, 79 Md. 29; *Wagoner v. Wagoner*, 77 Md. 195; *Roane v. Hollingshead*, 76 Md. 371 (involving right of married woman to make will and revocation thereof); *Wingert v. Gordon*, 66 Md. 109; *Clark v. Wootton*, 63 Md. 117; *Armstrong v. Kerns*, 61 Md. 366; *Frostburg Bldg. Assn. v. Hamill*, 55 Md. 315; *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, Code 1860); *Trader v. Lowe*, 45 Md. 14; *Whitridge v. Barry*, 42 Md. 152; *Herbert v. Gray*, 38 Md. 536 (dissenting opinion); *Preston v. Fryer*, 38 Md. 225; *Hill v. Hill*, 38 Md. 184; *Hubbard v. Barcus*, 38 Md. 180; *Hall v. Eccleston*, 37 Md. 518 (discussing also the law prior to 1860); *Barton v. Barton*, 32 Md. 224; *Schull*