This is almost precisely the language of the statute of 32. Hen 8. and it was not the design in either case to alter the relation between husband & wife, or the legal effects of that relation: but only to provide that every individual, who could by his own act lawfully aliene his estate whilst living, might devise it at his death.

"It is no answer to say that a man & his wife might in England convey her land by fine, and in this state by their joint deed. Such a conveyance is not her act; it is the joint act of both. And even the express assent of the husband to her will, however expressed, would not make it operate as their joint deed, within the law & usage of Massachusetts - no more than if he had joined her in a parol conveyance of her land. It may be further observed, if necessary, in support of this uniform construction and understanding of our law, that married women are not strictly within the letter of our Statute. The power of devising is given to "every person lawfully seised of any lands &c in his or her own right". But a married woman is not so seised. She & her husband are jointly seised in her right."

" [illegible]