

containing covenants on the part of the lessor, to convey the fee simple to the lessees, their executors, administrators or assigns, when requested so to do.]

THE CHANCELLOR :

Notwithstanding the ingenuity and research displayed by the counsel of the complainants in these cases, the Chancellor thinks, they are not entitled to the relief prayed by their bills.

They ask for an assignment of dower, and an account of rents and profits from the deaths of the respective husbands of the complainants, until the dower shall be assigned, and as the title of the husbands is disputed, it is not clear, that it might not be proper to put the complainants to the establishment of it at law, before granting the relief asked for. *Wells et ux vs. Wells, 2 Gill and Johns., 468.*

These complainants' husbands were not clothed with such estates, in the lands out of which the dower is claimed, as to justify his granting relief.

They both held under deeds executed to them by Richardson Stewart in the year 1841, these deeds were simply leases, for ninety-nine years renewable forever, executed upon the consideration of three hundred dollars paid lessor, and an engagement on the part of the lessees, to pay a nominal annual rent if demanded. The *habendum* is to the lessees, their executors, administrators and assigns, and the covenants to be performed on their part, bind them and their personal representatives.

The whole frame of the deeds, stamps them as a lease, and as such, passing merely chattel interests in the property embraced in them, which, upon the death of the grantees, would devolve upon their personal representatives, and indeed it appears upon the face of the bill filed by Elizabeth Carroll, that, so far as regards the land out of which she claims dower, the defendant holds under a purchase, made of the personal representative of the intermediate assignee of the lease from Stewart, to her husband.

But in order to make out a claim to dower, it is necessary to show, that the deceased husband was seized of an estate of in-