

Dowers or Quarentine without Plea, whosoever deforce them of their Dowers or Quarentine of the Lands, whereof their Husbands died seised, and that the same Widows after shall recover by Plea; (2) they that be convict of such wrongful deforcement shall yield damages to the same Widows; that is to say, the value of the whole Dower to them belonging, from the time of the death of their Husbands unto the day that the said Widows, by Judgement of our Court, have * recovered seisin of their Dower, &c. (3) and the Deforcers nevertheless shall be amerced at the King's pleasure.

suam habere non possunt sine placito, videlicet, quod quicumque deforciaverit eis dotes suas, vel quarentenam suam, de tenementis, quibus viri sui obierunt seisiti, & ipsæ viduæ postea per placitum recuperaverint, si ipsi deforciator' de injusto deforciamto convicti fuerint, reddant eisdem viduis damna sua, scilicet valorem totius dotis eis contingentis, a tempore mortis virorum suorum, usque ad diem quo ipsæ viduæ per judicium curiæ seisinam suam inde recuperaverint. Et nihilominus ipsi **21** deforciatores sint in misericordia domini regis.

Dy. 284 pl. 33. 4 Co. 30. 14 H. 8, 25. 38 Ed. 3, 13. 11 H. 4, 39. Fitz. Dower, 24, 46, 59, 73. Fitz. Damage, 10, 83, 119. 3 Bulstr. 278. F. N. B. fo. 7. Rast. Ent. 22. Co. Litt. 32 b.

At law.—For an account of the proceedings in an action for dower, see 2 Wms. Saund. 43. The Statute of Merton extends only to those cases where the husband died seised of the inheritance, so that the possession upon his death devolves immediately upon the heir, Co. Litt. 32 b. n. 4; otherwise, the widow can only recover mesne profits in equity, *vide infra*; and to entitle her to damages it must be alleged and proved that the husband died seised, Jones v. Jones, 2 Cr. & J. 601; but it is not necessary to lay damages in the declaration, Keefer v. Young, 2 H. & J. 53, n. a. By the express words of the Statute the value of the whole dower is given to her from the time of the death of the husband until she recovers seisin by judgment. The law of Maryland follows the English law in giving as damages under the Statute not only the profits of the third part of the estate since the death of the husband, after deducting outgoings, such as taxes, repairs and the like, the words of the writ being *ultra reprisas*, Penrice v. Penrice, Barnes, 234; Darnall v. Hill, 12 G. & J. 388, but also an additional sum by way of compensation to the widow for any loss she has sustained *occasione detentionis dotis*, see the form of the judgment, 2 Harr. Ent. 204. These damages are properly to be given separately, but if damages are given generally without finding the value of the land, it is good, Co. Litt. 32 b. n. 4.

The judgment for seisin of the land and the judgment for damages are