

Alvey holds as follows: As against the heir, there is no question but that the widow is entitled to dower according to the value of the land at the time of the assignemnt, but as against the alienee of the husband the rule in this country, as settled by overwhelming authority, is that the widow is not to be allowed the benefit of improvements made by him; but that the improved value of the land, from which the widow is to be excluded in the assignment of her dower in such case, is that which has arisen from the actual labor and money of the alienee, and not that which has arisen from extrinsic or general causes. "But to give full effect to this rule, after excluding all the improvements made by the alienee, before demand of assignment, the assignment of the dower should be made according to the value of the land at the time of assignment." *Sellman v. Bowen*, 8 G. & J. 50, *supra*, is therefore overruled on this point.

With regard to the damages to which the widow may be entitled for the detention of her dower, the court says: "At the common law, when dower was detained from the widow, and she was compelled to resort to her writ of dower, she could recover no damages for the detention, but was entitled only to the profits of her third part of the land from the time of judgment recovered. To remedy this defect in the law the Statute of Merton, 20 Hen. 3, c. 1, was passed which gave the demandant damages equal to the value of her dower from the time of her husband's death, or, by construction, from the time of the demand made; but that statute, by its express terms, only applies where the husband *died seised*. In those cases, therefore, where the husband does not die seised, as where the land is alienated in his lifetime, there can be no recovery of damages at law. But in equity, the widow may have a decree for an account of rents and profits against the alienee, or those claiming under him, which accrue after dower demanded; and she may even proceed in equity for such rents and profits after she has recovered her dower at law."

The action in this case being brought at law, the court goes on to say that "inasmuch as no judgments at law can be entered to embrace and give force to all the principles and rights determined in the foregoing opinion, it may be necessary, if the parties do not think proper to adjust all matters and conclusions of fact by agreement, that an amicable bill in equity be filed, so that a decree may be entered, on accounts taken, that will embrace the whole case."

In *Grove v. Todd*, 45 Md. 252, the court said that the right of a widow to claim interest on arrears of dower in equity was somewhat analagous to her right to damages at law and depended on the same principles.

CAP. II.

Widows may bequeath the Crop of their Lands.

Also from henceforth Wid-
ows may bequeath the Crop of
their Ground, as well of their
Dowers, as of other their

Item omnes viduæ de cæte-
ro possint legare blada sua de
terra sua, tam de dotibus suis,
quam de aliis terris, & tene-