

203 *BLAND, C., 15th November, 1825.—If the plaintiff fails to proceed against the defendant John F. Gittings, for the purpose of compelling him to appear and answer, or of having the bill, as against him, taken *pro confesso*, or to cause publication to be made against him, as an absent defendant, on or before the tenth day of the next term, then the other defendants may again move according to the usual course, to have the injunction dissolved.

After which the plaintiff, with the leave of the Court, so amended her bill as to state, that the defendant Gittings was a non-resident; and, on the 1st of February, 1826, obtained an order of publication against him in the usual form. On the 27th September, 1826, the defendant Gittings filed his answer, after which the motion to dissolve was renewed.

BLAND, C., 3d March, 1827.—This case having been submitted on the motion to dissolve the injunction, and all the defendants having now answered, as completely to remove every ground of equity set forth in the bill, it is ordered, that the injunction heretofore granted be and the same is hereby annulled and dissolved.

MARGARET HALL'S CASE.

DEVISE IN LIEU OF DOWER.

A widow, who elects to take the estate devised to her, in lieu of dower, is to be deemed a purchaser for a fair consideration to the value of her dower, and must have her claim sustained as a lien, to that extent, in preference to creditors. (a)

This case arose upon a creditor's bill, filed on the 5th October, 1825, by George Mackubin and Margaret Hall, the widow and executrix of Joseph Hall, deceased, against his devisees, Samuel Matthews, and others; alleging, that his personal property was insufficient to pay his debts, and praying, that his real estate might be sold for that purpose. A decree was passed on the 30th of June, 1826, for the sale of the realty accordingly; and the trustee reported, that he had made sale of a part of it, which was finally ratified on the 1st of March, 1827.

On the first of March, 1827, the plaintiff, Margaret, by her petition stated, that her late husband had, by his last will, devised

(a) Affirmed in *Durham v. Rhodes*, 23 Md. 242; *Thomas v. Wood*, 1 Md. Ch. 301. See *Griffith v. Griffith*, 4 H. & McH. 102, note; *Gibson v. McCormick*, 10 G. & J. 67, note (k).