

* ESTEP v. WATKINS.

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RELIEF AGAINST DOWER.—EQUITY PLEADING.

A purchased of B a tract of land, the legal title to be conveyed when the purchase money was paid; for which he gave his bond; after which B died, and his widow had her dower in the land. *Held*, that A was entitled to a deduction from his bond to the amount of the value of the widow's dower.

When a case is set down for final hearing on bill and answer, without replication, all the facts set forth in the answer are taken to be true. (a)

Every decree stands for what it purports to be until regularly revised or reversed. (b)

The case, as set forth in the bill, must, at the final hearing, appear to be such an one as falls within the jurisdiction of a Court of Chancery. (c)

The assignee of a bond takes it subject to all equities, whether he has notice of them or not.

This bill was filed on the 21st of December, 1827, by Rezin Estep, against Rachel H. Watkins, Benjamin Watkins, and John Claytor.

It is stated in the bill, that Charles D. Hodges, being seized of certain parcels of land, by his bond with a collateral condition, contracted, in consideration of the sum of \$3,000 to convey them to this plaintiff, who to secure the payment of that amount as the purchase money, gave his bond to Hodges, who assigned it to Benjamin Hodges, who assigned it to Nicholas Watkins of Thomas, to whom this plaintiff made assignments of sundry bonds and notes which he Watkins received as payment of this plaintiff's bond: that afterwards Charles D. Hodges died intestate, leaving a widow Elizabeth who was entitled to dower in the lands, and six children, Elizabeth the wife of John Randall, Mary Ann, Lucinda, Margaret, Ellen, and Charles, his heirs-at-law; that the widow married this defendant Claytor; that this plaintiff on the 15th of February, 1815, filed his bill in this Court against this widow with her husband Claytor, and these heirs, with Benjamin Hodges and Nicholas Watkins of Thomas, to obtain a title to the lands he had so purchased, which bill the defendants thereto answered; and the case having been submitted, it was on the 22nd of May, 1815, decreed, that this plaintiff should pay two-thirteenth parts of three thousand dollars to John Claytor and Elizabeth his wife in lieu of her dower in those lands; and, on payment, by this plaintiff, to Nicholas Watkins of Thomas, of the balance appearing to be due on this plaintiff's bond, after deducting the two-thirteenth parts allowed

(a) Cited in *Warren v. Twilley*, 10 Md. 48.

(b) Cited in *Pfelz v. Pfelz*, 1 Md. Ch. 457.

(c) See *Iglehart v. Armiger*, *post*, 519.