

Upon reading the terms and trusts of the deed, the whole property conveyed, irrespective of the particular grantor in whom the title may have previously been, appears to have been intended to constitute one common fund, for the satisfaction of all the debts designed to be secured ; and I am, therefore, of opinion, that the contribution among the vendees must be simply, "in proportion to the value of the land conveyed to each respectively, without regard to the original source of the title," that is, to whether it was the property of Abraham Barnes, or either of the Masons, and that the value must be ascertained from the proofs now in the cause, and such further proofs as may be hereafter introduced by the parties.

There must also be a decree for an account against the surviving trustee, (William Price ; D. G. Yost having died before the bill was filed in the cause.)

[So much of this decree as relates to John H. Thomas was affirmed on appeal. The Court of Appeals differed from the Chancellor on the question of contribution, and upon the appeal by Doub, the decree was, in part, affirmed, and the cause remanded.]

ELIZA M. KIDDALL
vs.
WILLIAM TRIMBLE, SUR-
VIVING EXECUTOR OF
JANE JACOB.

DECEMBER TERM, 1847.

[DOWER—MESNE PROFITS—JURISDICTION—LIMITATIONS.]

THERE can be no doubt, that when the husband died seized, a court of law has full power to compensate the widow in damages for the detention of her dower. But a court of equity, alone, has power to give the widow damages for the detention of her dower as against the alienee of the husband.

The jurisdiction of courts of equity, in cases of dower, is concurrent with that of courts of law ; and if the legal title to dower be admitted or settled, equity will proceed to the assignment of the dower, and will also compensate the widow in damages for its detention.