

issue, whereby he became entitled to one-half of his grandfather's estate. Anna Chase, since deceased, married James Belt, and had issue, a daughter, named Jane I. Belt, who married George H. De la Roche, and to whom the complainant, in the year 1839, sold all her dower interest in the lands to which her deceased husband, William Chase, had been entitled. Jane Jacob left a will, by which William Trimble was appointed her executor; in whose hands, after paying all her debts, there remained the sum of \$4,655 90. In the year 1838, the complainant instituted in Baltimore County Court, an action on the case against William Trimble, surviving executor of Jane Jacob, for one-third of the rents and profits of the estate, to which her husband was entitled, from his death, to the death of said Jane Jacob; to which *non assumpsit* was pleaded, and upon which judgment was rendered against the plaintiff, in the year 1841. She then brought suit in this court upon the same cause of action, against the same defendant; who set up by way of defence, the said judgment; the sale to Jane I. De la Roche; the absence of any demand of dower, except by the suit in Baltimore County Court; and the plea of limitations.

The case having been argued before the Chancellor, he delivered the following opinion :]

THE CHANCELLOR :

The bill in this case, then, is, to recover a proportion of the rents and profits of certain real estate, in which the complainant claimed dower, upon the allegation that her late husband, William I. Chase, died seized thereof. And there can be no doubt, assuming such to be the case, that a court of law was competent to give her damages for the detention of her dower. The statute of Merton, when the husband dies seized, giving the wife damages equal to the value of the dower, from the time of the death of the husband. 4 *Kent Com.*, 65; *Park on Dower*, 302.

It was supposed at one time, and indeed the impression was strengthened by what fell from the Court of Appeals, in the case of *Steiger's administrator vs. Hillen*, 5 *G. & J.*, 133, that