

a widow could recover at law damages for the detention of her dower against the alienee of her husband, though in such a case, the recovery would not go back to the death of the husband, but only to the demand and refusal. But in the subsequent case of *Sellman vs. Bowen*, 8 G. & J. 50, upon a more full consideration of the subject, and review of the authorities, the same court came to the conclusion, that a Court of Equity alone was competent to give the widow damages for the detention of her dower, as against the alienee of the husband. It is, however, unquestionable, 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. In truth, it was questioned at one time, whether courts of equity could entertain general jurisdiction in cases of dower, to give full relief in those cases where there appeared to be no obstacle to the legal remedy, though upon a thorough examination of the subject, the jurisdiction of chancery is fully established, both as to the assignment of dower, and the damages. The jurisdiction is concurrent with 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. 1 *Story Eq. sec.*, 624 ; 4 *Kent Com.*, 71, 72.

The Baltimore County Court, then, having, upon the statement of this bill that the husband died seized, at least a concurrent jurisdiction with this court, it becomes a grave question, how far, after having sued in that court to recover damages for the detention of her dower, the plaintiff, failing there, can be permitted to come here and ask the same relief. The record in this case does not show upon what ground the County Court decided against the plaintiff, the instruction of the court to the jury being general, "that the plaintiff was not entitled to recover ;" and it is argued by the complainant's council in this case, that this instruction must have been founded upon a want of jurisdiction in the court of law over the subject of the suit.

This, however, by no means follows. At all events, in the absence of the reasons of the court for the instruction against