

the plaintiff, it would not be difficult to imagine other grounds than the want of jurisdiction. We have seen, that whilst that suit was depending, to wit, on the 8th of April, 1839, the plaintiff sold and conveyed to another, her dower interest in the lands in question; and although it may be true, as argued by the solicitor of the complainant, that this deed transferred merely her interest in the land, and not her right to the antecedent rents and profits, it is yet possible that it may have been thought that a transfer of the legal estate out of which the profits arose, carried with it, or extinguished the claim to the profits themselves. It seems to be settled, that if the widow die without demanding her dower, the executor cannot recover the rents and profits; the cases having only gone to the extent of entertaining a bill for the profits where the widow dies, pending her bill for dower. Under such circumstances, the Court of Appeals say, in the case of *Steiger vs. Hillen*, the representatives of the widow may, in equity, be allowed the rents and profits, with this exception, "where the legal estate, out of which the profits are to spring, is gone, the claim to such profits falls with it," unless under particular circumstances such as are adverted to in that case.

Now, in this case, whilst the suit was depending in Baltimore County Court, for these rents and profits, there was a voluntary alienation of the legal estate out of which the profits sprung—that is, the principal was parted with, and it may be, that the court thought, the principal being gone, the incident—the profits—fell with it. The damages which are given for the detention of the dower, are regarded as consequential or accessory, and the County Court may have been of opinion, that they could not be separately demanded. Cases can certainly be found in which it has been decided, that the claim for mesne profits cannot be supported, when the property, in respect of which they were claimed, had been parted with. It is very certain, that if the action in the County Court, instead of being for the rents and profits of the land withheld from the widow, had been for the dower itself, her deed of the 8th of April, 1839, would have been an effectual bar to her recovery; and