

nant, will be regarded as conveyances of the absolute estate. There is no doubt of the existence of such a doctrine in courts of equity but the question is, what was it which was agreed to be done by these deeds. Why merely that the grantor, *when requested* by the grantees, their heirs and assigns, and at their cost and charge, would execute and deliver them deeds in fee simple. There is no allegation, or proof, that such request ever was made at any time, and the attempt is, by this equitable principle, adopted to advance the purpose of justice, in the case to which it is applicable, to make these parties, long, after their deaths, take estates, which they never demanded, or wanted, when alive.

The 10th section of the act of 1818, chap., 193, which declares, that widows shall have dower in lands held by equitable title in the husbands, is cited, for the purpose of showing that Catharine Spangler, one of the complainants, is so entitled, it appearing that her husband did not alien the land until the year 1821, it being supposed that the title of her husband, if not a legal was certainly an equitable one.

The Chancellor thinks, however, that the estates, whatever they were, which passed by the deeds, were legal, and not equitable, estates, and consequently that the act of 1818, extending the dower right to lands held by equitable title in the husbands, has no application: and so according to the views already expressed, that this estate was leasehold simply, the relief prayed by the bills must be denied.

It is true, the claim to dower is a favored one, but it must be recollected in these cases, that it is set up against alienees for a valuable consideration, one of whom purchased from the personal representative of a preceding alienee, and that the estate out of which the dower is claimed, has been regarded as one, with which the heir at law had no concern.

The Chancellor, upon the best reflection he can give the subject, is of opinion that no relief can be granted upon these bills, and that they must be dismissed.

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[No appeal was taken from this decree.]