ordered to stand over, with liberty to amend the bill to that effect.

[The required amendment having been made, and some additional testimony, (not materially varying the merits of the case) having been filed, the case was again submitted to the Chancellor, who thereupon passed a decree requiring Hayes to convey the property in dispute to a new trustee, to be held by the latter for the sole and separate use of the complainant—subject to the mortgage debt of Mrs. Herbert; and said Hayes was decreed to account with the new trustee for the profits of the estate received by him, from the time it came into his possession to the time of his delivering it up to the new trustee, subject to such allowances as he might prove himself entitled to.]

[The decree in this case was reversed upon appeal.]

J. D. CHILDS AND WIFE
          vs.   } DECEMBER TERM, 1849.
     LUCY M. SMITH.

[JURISDICTION—DOWER.]

IT is conclusively established, that a court of equity may interfere by injunction to prevent the commission of waste.

The objection to the jurisdiction of the Court of Chancery to stay waste committed by a dowress on her dower lands, upon the ground, that the remedy should be sought on the equity side of the County Court, where the proceedings for partition were had, would apply with equal force to every application to enjoin proceedings upon judgments and suits at law in the county courts, and is, therefore, untenable.

The interest of the widow, is a continuation of the seizin of her husband; the seizin of the heir being defeated *ab initio*, the moment the certainty of the estate to be held by her is ascertained by the assignment.

The commissioners divided an estate into eight parts, and assigned a third of each division to the widow, as her dower, one lot consisted almost entirely of wood, the others of arable lands. HELD—

That the widow was not bound to use each parcel, as if her husband had died seized only of the one lot to which such parcel belonged; but might take from the wood lot, fuel and timber for the use of the cultivated lands.