

The argument resulting from the convenience of the thing, and the more perfect familiarity which the county courts, in the exercise of their equity jurisdiction, would have of proceedings had in the same courts, as courts of common law, would apply as well in the one case, as the other; and the effect would be, that this court would be stripped of its power, in every case, of arresting, upon equitable grounds, the proceedings of the courts of law. This view of the subject would seem to render the objection untenable; and I therefore dismiss it, and proceed very briefly to examine the case upon its merits, as disclosed by the bill and answer.

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[After reviewing the facts of the case, the Chancellor proceeded.]

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An injunction was ordered upon this bill, not because I adopted, or in any way assented to this view of the relative rights of these parties, [that the widow could only use each parcel by itself,] but upon the allegation, that the widow, abusing her right to take from her dower land, wood for fuel, fences, and other necessary purposes, was acting with a view to benefit her own children, at the expense of her step-children.

If, according to the allegation of the bill, there was upon each parcel of the dower land, a sufficient supply of wood and timber for its support; and the dowress, for the purpose of sparing that which stood upon the land in which her own children held the fee, was unnecessarily cutting down and using the wood and timber which stood upon the land, the inheritance of which was in her step-children, I thought, and still think, it was the duty of this court, to interpose by way of injunction. Though a dowress, like all other tenants for life, has a right to take, what is called reasonable *estovers*; that is, wood from off the land for fuel, fences, &c., she cannot be permitted to abuse this right, and especially, the court would not stand by and see her abuse it, upon such motives as are imputed to her by this bill.