In our state, where the arable and wooded lands of our landholders are so frequently separated by intervening tracts, and in which for the advantage and convenience of all the heirs it is necessary that the dower of the widow should be divided into several parcels, the adoption of such a rule would work much practical mischief. Indeed, I am strongly inclined to think the practicability of making equal partition of many estates would be frustrated, if the widow must either have her entire dower laid off in one unbroken parcel, or be subject to the rule contended for, if divided into separate parcels.

No authority has been referred to in support of the position, and I am persuaded none can be found. The cases of *White* vs. *Willis*, 7 *Pick.*, 143, and *White* vs. *Cutler*, 17 *Pick.*, 248, prove, that a lot of wood land, separated from the cultivated lands, may be included in the assignment of dower, and when so included, the widow may take from it fuel and timber for the use of the cultivated lands.

The equity of this bill, as already observed, consists in the allegation, that the dowress, having upon each part of her dower, wood and timber, sufficient for its support, was without necessity, and for the benefit of her own children, and at the expense of the complainants, cutting down, and using the wood upon their land, for the use and improvement of the lands, in which the fee was in her children. This allegation is, however, expressly denied by the answer, and as upon its truth, in my opinion, depends the propriety of the injunction; and as the denial of the answer, upon this motion, and in the present state of the case (there being no evidence) is conclusive, it follows, the injunction must be dissolved.

[No appeal was taken from this order.]