

a bill passed accordingly; which however, failed in the House of Delegates. After which, a case was determined in the Court of Appeals, in which, that tribunal seems to have so highly approved of the rule of this court, (*o*) that I now feel indisposed to alter it; although considered as the mere judicial legislation of the court, it might be presumed to be repealable at its pleasure, until the matter shall have attracted more attention, and become more fully understood. I shall, therefore, pass the subject for the present, without further consideration; and, as I am bound to do, follow the legislative rule, (*p*) in awarding to this widow an allowance out of the proceeds of the sales already made, in lieu of her dower.

Ordered, that the said *Susan F. Williams* be and she is hereby allowed one-seventh part of the net proceeds of the sales of the property in the proceedings mentioned for and in lieu of her dower.

The auditor reported, that he had examined the proceedings, and stated an account in which the proceeds of sales, \$35,977 50, and the rents, \$400 47, received by the trustee were applied, in the first instance, to the payment of the trustee's allowance for commissions and expenses, the costs of suit, \$1,192 89; the widow's allowance, in lieu of dower, \$4,969 23, and her proportion of the rents, \$133 49, and the balance was distributed among the deceased's children, and heirs at law.

31st July, 1829.—BLAND, *Chancellor*.—*Ordered*, that the foregoing report of the auditor be and the same is hereby ratified and confirmed; and the trustee is directed to apply the proceeds accordingly with a due proportion of interest that has been or may be received.

Elizabeth C. Williams, one of these parties, by her petition stated, that since the bill had been filed, and since her answering thereto, she had arrived at her age of sixteen years, and had become entitled to receive her proportion of the proceeds of the sales; and prayed that the amount might be directed to be paid to her, &c.

21st August, 1829.—BLAND, *Chancellor*.—*Ordered*, that the share of so much of the balance of the money, now in court, as the said *Elizabeth C. Williams* is entitled to, be paid to her as prayed by the foregoing petition. (*q*)

(*o*) *Dorsey v. Smith*, 7 H. & J. 346.—(*p*) 1816, ch. 154, s. 10.

(*q*) When this order was passed, the law declared, 'that every female orphan