

her covenants in a deed (prior to the act of 1898) conveying the land, do not run with the land. Her deed operates only by way of estoppel or release. *Pyle v. Gross*, 92 Md. 134.

The right of dower is favored in the law. The act of 1818, ch. 193, section 10, construed. A widow is entitled to dower in an equitable estate, however created, provided it does not prejudice liens attached before the marriage or subsequently with her consent. The words, "other liens," refer to liens so created. *Lynn v. Gephart*, 27 Md. 566. See also, *Bowie v. Berry*, 3 Md. Ch. 363; *Mantz v. Buchanan*, 1 Md. Ch. 208.

Prior to the act of 1898, ch. 457, the wife was not entitled to dower in the equitable estate of her husband unless he died possessed thereof. The act of 1898, ch. 457, section 6, will not be given a retroactive effect so as to affect marriages solemnized and property acquired prior to such act. *Slingluff v. Hubner*, 101 Md. 657. See also, *Safe Deposit Co. v. Gittings*, 103 Md. 496; *Harris v. Whiteley*, 98 Md. 441; *Rabbitt v. Gaither*, 67 Md. 98; *Glenn v. Clark*, 53 Md. 604; *Bank of Commerce v. Owens*, 31 Md. 324; note (a) to *Miller v. Stump*, 3 Gill, 304; *Purdy v. Purdy*, 3 Md. Ch. 547; *Bowie v. Berry*, 3 Md. Ch. 361; *Bowie v. Berry*, 1 Md. Ch. 452.

Where a husband who holds an equitable title to land executes a bond of conveyance and then acquires the legal title and subsequently dies, the purchase money not having been paid, the wife is entitled to dower. It may be that a different rule would apply if the contract to convey were made before dower had once attached. Dower is regarded as a continuation of the husband's estate, and there is no *mesne seisin*. Where, however, a part of the money received by the husband from the vendee is applied in part payment for the land, this sum must be deducted from the value of the land before dower is assigned. Improvements put upon the land by the vendee must also be excluded in the assignment of dower. *Bowie v. Berry*, 3 Md. Ch. 361. And see *Bowie v. Berry*, 1 Md. Ch. 452.

Where the equitable title was mortgaged prior to the adoption of this section and the property sold in the husband's lifetime, the widow is not entitled to dower. This section could not operate to the prejudice of creditors and heirs who became such prior to its enactment. *Hopkins v. Frey*, 2 Gill, 363. And see *Stelle v. Carroll*, 12 Pet. 211.

Where a husband has an equitable interest in land subject to the payment of certain sums, a judgment subsequently obtained is subordinate to the wife's dower, though the latter is subordinate to the purchase money of the land and to the money secured by the deed creating the equitable interest. *Steuart v. Beard*, 4 Md. Ch. 321.

A widow is entitled in equity to her dower in lands conveyed to a third party instead of to the husband, with intent to defraud her. *Rabbitt v. Gaither*, 67 Md. 94.

In assigning dower, the land is valued as of the time of the husband's death, and not as of the time of a prior conveyance of the land without the wife's consent, unless the increased value arose from the labor and money of the purchaser. *Bowie v. Berry*, 1 Md. Ch. 454.

What kind of lands a widow is dowable in. The act of 1818, ch. 193, section 10, held to have no application. *Spangler v. Stanler*, 1 Md. Ch. 37. And see *Marbury v. Brien*, 15 Pet. 38.

Cited but not construed in *Vogel v. Turnt*, 110 Md. 201.

As to how dower may be relinquished, see sec. 12.

See art. 16, sec. 42, *et seq.*; art. 46, sec. 23; and art. 93, sec. 120, *et seq.*, and sec. 301, *et seq.*

As to the assignment of dower and a sale of the land with the widow's consent, see art. 46, sections 62 and 63.

1904, art. 45, sec. 7. 1898, ch. 457, sec. 7. 1904, ch. 151.

7. Every husband shall acquire by virtue of his marriage an estate for his life in one-third of the lands held or owned by his wife at any time during the marriage, whether by legal or equitable title, or whether held by her at the time of her death or not, but such estate shall not operate to the prejudice of any claim for the purchase money of such lands, or other lien on the same; nor shall any conveyance of such lands