

An. Code, 1924, sec. 42. 1912, sec. 41. 1904, sec. 40. 1888, sec. 40. 1842, ch. 198, sec. 2.

**45.** The admission of a respondent, of the facts charged in a bill for divorce, who consents to the application, shall not be taken of itself as conclusive proof of the facts charged, as the ground of the application.

This section is a legislative recognition of the principle that the state has a peculiar interest in the maintenance of the marriage ties. *Fisher v. Fisher*, 95 Md. 319.

Testimony of plaintiff in divorce cases must be corroborated—art. 35, sec. 4.

### Dower.

An. Code, 1924, sec. 43. 1912, sec. 42. 1904, sec. 41. 1888, sec. 41. 1840, ch. 98.

**46.** The several courts of equity shall have full concurrent jurisdiction with the courts of law in all claims for dower, and shall have power to try all questions of law which may arise in such cases, and give as full relief in any case as the plaintiff could have obtained heretofore, in either a court of equity or a court of law, or in both courts.

Equity courts are authorized by this section to proceed according to their usual course, and to finally adjudicate claims for dower according to equitable principles. Interest on arrears of dower. Costs in the assignment of dower. *Grove v. Todd*, 45 Md. 257; *Naill v. Maurer*, 25 Md. 540.

Creditors cannot take in execution the widow's right of dower in her deceased husband's lands before such dower has been assigned, nor will equity grant relief. *Harper v. Clayton*, 84 Md. 346.

For a case involving the validity of a marriage as affecting the claim to dower, see *Brooke v. Brooke*, 60 Md. 524.

For cases involving the jurisdiction of equity relative to dower and rents and profits prior to the adoption of this section, see *Kiddall v. Trimble*, 8 Gill, 207; *Hopkins v. Frey*, 2 Gill, 359; *Kiddall v. Trimble*, 1 Md. Ch. 145; *Wells v. Beall*, 2 G. & J. 468.

As to dower, see also art. 45, sec. 6, *et seq.*; art. 46, sec. 38, *et seq.*; and art. 93, sec. 313, *et seq.*

If the land is susceptible of division, widow has right to be assigned her dower and court cannot make pecuniary allowance in lieu thereof. See notes to art. 93, sec. 320. *Rickwood v. Smith*, 146 Md. 190.

An. Code, 1924, sec. 44. 1912, sec. 43. 1904, sec. 42. 1888, sec. 42. 1832, ch. 302, sec. 7.

**47.** Where any infant *feme covert* shall, in respect of her dower, unite with her husband in any conveyance or lease, executed and acknowledged in form for passing *feme covert's* real estate, of any lands, tenements or hereditaments, and the courts of equity of this State shall, as concerns such *feme covert's* dower, deem such conveyance or lease equitable, expedient or proper, the said court, on application by any of the parties interested, and on proper parties defendants being made, may, according to the rules of equity, proceed to adjudge and decree that such conveyance or lease be confirmed and made valid from the time of execution of the same, to every effect, intent and purpose, as if the *feme covert* at the said execution were of the full age of twenty-one years.

This section held not to be retrospective in its operation. This section does not confer power upon the court to ratify the mortgage of a *feme covert* infant, after she is of age and against her consent. Intent of this section. *Glenn v. Clarke*, 53 Md. 600.

An. Code, 1924, sec. 45. 1912, sec. 44. 1904, sec. 43. 1888, sec. 43. 1799, ch. 49, sec. 6. 1816, ch. 154, sec. 10. 1818, ch. 193, sec. 8. 1819, ch. 183. 1820, ch. 191, sec. 28.

**48.** In all cases where lands and tenements are to be sold under a decree, and the widow who is entitled to dower in such lands will consent in writing to the sale of the entire estate therein, the court shall order the same to be sold free from any claim of dower, and allow the widow such portion of the net proceeds of sale as may be just and equitable, not exceeding one-seventh nor less than one-tenth, according to the age, health and condition of such widow.