

said deed or bill of sale, as the case may require; and the order of the said court, passed in the premises, directing the said acknowledgment to be made as aforesaid, shall operate in the same manner and to the same extent, from the date of the said order, as if the said party ordered as aforesaid to acknowledge or re-acknowledge the said deed or bill of sale, had thereupon so done; *provided*, however, that the rights of any person who shall not be a party to said proceedings, as aforesaid, shall not be in anywise affected by said order.

Order of court.

Proviso.

## EQUITABLE JURISDICTION OVER DOWER.

**104.** 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 complainant could have obtained heretofore, in either a court of equity or a court of law, or in both courts.

Art 16, s 30  
1840, c 98.  
Courts of  
equity, concurrent  
jurisdiction  
in dower  
22 Md 359, 25  
Md 532, 31 Md  
320, 34 Md 639,  
36 Md 29, 45  
Md 252, 2 Gill  
359

**105.** 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 effect, intent and purpose, as if the *feme covert* at the said execution were of the full age of twenty-one years.

Id s 31  
1842, c 302, s 7  
Conveyance by  
infant of dower,  
how confirmed

**106.** 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.

Id s 32  
1799, c 49, s 6,  
1816, c 154, s 10,  
1818, c 193, s 8,  
1819, c 183,  
1820, c 191, s 28  
Allowance on  
sales in lieu of  
dower  
22 Md 42,  
38 Md 284,  
3 Bl 186, 282.

**107.** In all suits by joint owners to sell lands, the court may decree a sale free from the claim of dower by the wife of any of the parties.

Id s 33  
1859, c 23  
Lands held by  
joint owners  
may be sold free  
of dower  
10 Md 39

**108.** Where there is a decree for the sale of lands, and a widow is entitled to dower therein and will not consent to a sale of her dower, the court may, if it appears advantageous to the parties, appoint five commissioners to assign and lay off the dower of such widow, subject to the confirmation or rejection by the court.

Id s 34  
1816 c 154, s 11  
1820, c 191, s 27.  
Assignment,  
where widow  
will not consent  
to sale  
17 Md 231.