which does not pass thereby "I am clearly of opinion that she would, if she had refused such provision for her she certainly would have been entitled to dower in such property, though it might not have been given, paid for at the time of his death. I being so entitled the act of 1798 chap 101 declares that every clause of land in any Estate devised or bequeathed of persons Estate shall be construed to be intended in bar of her dower in lands or share of the persons Estate respectively" And in the form of the Widows renunciation of such devises or bequests made to her presented by the said Act of Assembly she is required to say that "I elect to take in lieu thereof my dower or legal share of the Estate of my husband" Thus when she renounces she elects to take in preference to the provision made for her the dower or legal share and she is entitled to all the land in the Estate of her husband, and this is precisely what she relinquishes when she accepts the provision. This point I find suggested as a question, and discussed in several cases Hale vs Hall 2 McCrary Chan Reps 265 Hale vs Fisher 1 Edmunds Chan R 436 Stark vs Hanlon 228 but the only case in which it has been actually decided so far as I have been able to discover is in Chafee vs Hill 1 Rhode Island Reps 446. There a husband by Will had made certain provisions for his wife declaring them to be in lieu of her dower "or other interest in my Estate" and after mentioning the Will acquired other Real Estate. The Widow having elected to accept the provisions of the Will. It was held that she was barred of her dower in the year after acquired Estate; In the State in which this decision was made the statutory enactments in regard to the effect of a Widows acceptance of a devise to her in lieu of her dower or Common Law rights are substantially the same as they are in this State, and this decision may be regarded as altogether applicable here. I shall refer the case to the Auditor to state an account according to the principles above set forth allowing to the representative of the Widow of Solomon J Albers, the amount with interest paid by her, out of his personal effects in satisfaction of the said unpaid purchase Money, and charging her against for proper allowances for repairs &c &c with the rent of said subsequently acquired property during the time that it was occupied by her,

Wm G Archer.

And thereupon afterwards to Wit on the 28 day of April in the year last aforesaid the Court passed and filed in said cause the following order to Wit

In the Circuit Court for Baltimore City

28 April 1866

Ordered that this case be and the same is hereby referred to the Auditor of this Court with directions to state an account or accounts in conformity with the opinion filed on the 22d instead.

Wm G Archer.

And afterwards to Wit on the same 28 day of April the following Prayer of appeal was filed in said cause to Wit

Rhodes and others vs Brown and others

In the Circuit Court for Baltimore City

Mr Turner Withdrawn enter an appeal from the order passed on this 28 day of April 1866 on the part of William D Travers Thomas J Summers, and Steel and Pullison,

William H Travers
Joseph Claimants and for the Heirs at
Law of Henry A Albers.

And to them it is granted. And afterwards to Wit on the 31 day of May in the year last aforesaid the said Sophia Durham by her Solicitor aforesaid filed in said here in said cause the following Prayer of Appeal to Wit.

Rhodes and others vs Brown and others

In the Circuit Court for Baltimore City
Decree for the sale of Estate of Solomon J Albers,
In the Matter of the Petition of Sophia Durham.

The said Sophia prays an appeal from the order or decree of this Court upon said Petition as far as an allowance is thereby refused or not granted for dower interest in the Real property sold in this case

31 May 1866. Charles J Mayer Solr for Pet

And to her it is granted. It is therefore ordered by the Court here that a transcript of the Record and proceedings in the cause aforesaid in the said Orphans Court relating be transmitted to the Court of Appeals of the State of Maryland. And the same is transmitted accordingly.

Test. Wm H H Turner Clk

In testimony that the foregoing is a full and true transcript taken from the Record of proceedings of the Orphans Court for Baltimore City in the cause therein mentioned I hereto set my hand and affix the Seal of the said Court this 1st day of July in the year of our Lord 1866.

(Seal)

William H H Turner
Clk of Orph Ct for Balto City.

And now come into the Court of Appeals here as well the said Sophia Durham by Charles J Mayer Esquire her Attorney and William D Travers and others by George H Williams Esquire their Attorney as the said Henry Rhodes and Wife and others by George William Brown and J H Brown Esquire their Attorneys and thereupon on motion of the said Henry Rhodes and Wife and others by their Attorneys aforesaid it is ordered by the Court here that the said Sophia Durham and also the said William D Travers and others assigns of errors in the Record of proceedings aforesaid, or in the giving the Decree aforesaid so as aforesaid brought before the Court of Appeals here for correcting the errors supposed to be therein a decree by the Court of appeals here not be entered against each of them in default thereof and the said Sophia Durham, and also the said William D Travers and others by their Attorneys aforesaid say that in the Record of proceedings and also in the giving of Decree aforesaid there is manifest error in this to wit that by the Record aforesaid it appears that the decree aforesaid in the cause aforesaid given was given for the said Henry Rhodes and Wife and others against the said Sophia Durham, and also against William D Travers and others whereby the law of the land that Decree ought to have been given for the said Sophia Durham and for the said William D Travers and others against the said Henry Rhodes and Wife and others Wherefore in that there is manifest error and they pray that the Decree aforesaid for that error and others being in the Record of proceedings aforesaid may be reversed, annulled and held entirely as void and that they the said Sophia Durham and also the said Henry William D Travers and others may be restored to all things which they have lost by occasion of the said Decree and that the said Henry Rhodes and Wife and others may reform to the errors aforesaid and so forth, and thereupon