

## ESTEP v. WATKINS. —

A purchased of B a tract of land, the legal title to be conveyed when the purchase money was paid; for which he gave his bond: after which B died, and his widow had her dower in the land. *Held*, that A was entitled to a deduction from his bond to the amount of the value of the widow's dower.

When a case is set down for final hearing on bill and answer, without replication, all the facts set forth in the answer are taken to be true.

Every decree stands for what it purports to be until regularly revised or reversed.

The case, as set forth in the bill, must, at the final hearing, appear to be such an one as falls within the jurisdiction of a court of chancery.

The assignee of a bond takes it subject to all equities, whether he has notice of them or not.

This bill was filed on the 21st of December 1827, by *Rezin Estep*, against *Rachel H. Watkins*, *Benjamin Watkins*, and *John Claytor*.

It is stated in the bill, that *Charles D. Hodges*, being seized of certain parcels of land, by his bond with a collateral condition, contracted, in consideration of the sum of \$3,000 to convey them to this plaintiff, who to secure the payment of that amount as the purchase money, gave his bond to *Hodges*, who assigned it to *Benjamin Hodges*, who assigned it to *Nicholas Watkins of Thomas*, to whom this plaintiff made assignments of sundry bonds and notes which he *Watkins* received as payment of this plaintiff's bond; that afterwards *Charles D. Hodges* died intestate, leaving a widow *Elizabeth* who was entitled to dower in the lands, and six children, *Elizabeth* the wife of *John Randall*, *Mary Ann*, *Lucinda*, *Margaret*, *Ellen*, and *Charles*, his heirs at law; that the widow married this defendant *Claytor*; that this plaintiff on the 15th of February 1815, filed his bill in this court against this widow with her husband *Claytor*, and these heirs, with *Benjamin Hodges* and *Nicholas Watkins of Thomas*, to obtain a title to the lands he had so purchased, which bill the defendants thereto answered; and the case having been submitted, it was on the 22d of May 1815 decreed, that this plaintiff should pay two-thirteenth parts of three thousand dollars to *John Claytor* and *Elizabeth* his wife in lieu of her dower in those lands; and, on the payment, by this plaintiff, to *Nicholas Watkins of Thomas*, of the balance appearing to be due on this plaintiff's bond, after deducting the two-thirteenth parts allowed in lieu of dower, that the heirs of the late *Charles D. Hodges* should convey the lands to this plaintiff; that *Nicholas Watkins* brought suit, in the name of the administrator of the late *Charles D. Hodges*,