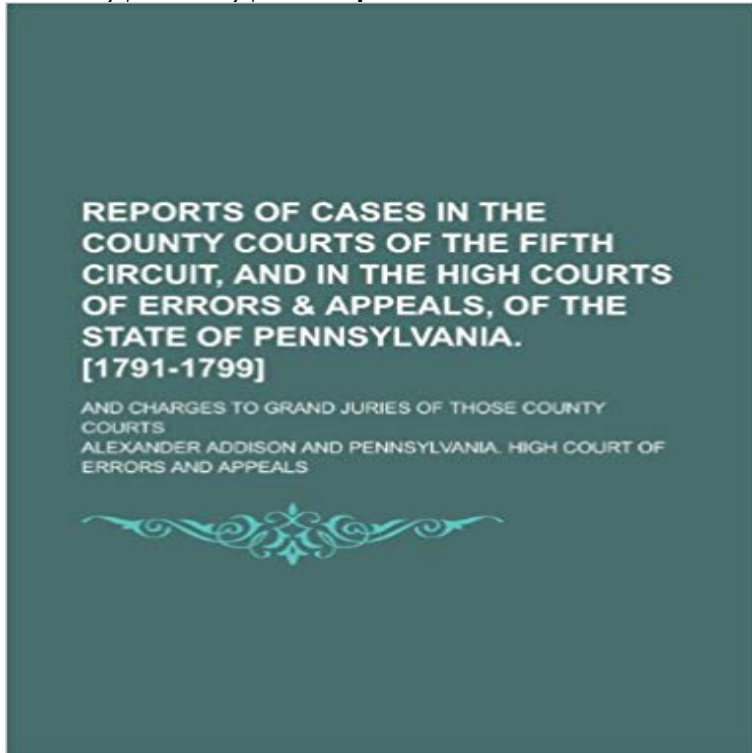


## Reports of cases in the county courts of the Fifth circuit, and in the High courts of errors & appeals, of the state of Pennsylvania. [1791-1799]; and Charges to grand juries of those county courts



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1883 edition. Excerpt: ...that this intention be implied and Vem. 356. 2 seem necessary to give effect to the will. H. 65. If the legacy and devise be instead of dower, the mbi widow is barred by her acceptance; but if together 682,730. with dower, she is not barred. There is no express declaration in this will that the devise and legacy should be in lieu of dower; and unless this intention be implied, the plaintiffs must recover. The only ground for such an implication in the will seems to be this, that except the legacy and devise, all the rest of his estate is given to his children, and so nothing is left for dower. The jury found a verdict for the defendant. Referred to Webb v. Evans, 1 Binn. 573; Melizets Appeal, 5 H. 454. Note.--There were three suits against three tenants. One had been tried before; there was a verdict for the defendant, and a motion for a new trial postponed for the trial of this. It was recommended to remove the third into the Supreme Court. This was done; and in the meantime, rqqg no judgment was given on either of the verdicts. L The Act of Assembly of 4th April 1797, 4 St. L. 155, has settled it in future, that a devise shall be in lieu of dower, unless otherwise declared. Pennsylvania versus John Leach, William Leach Thomas Leach and William McLurgh. (Allegheny County, June Term, 1798.) K. had a home in a place distinct from land where he had a cabin and generally was. Leaving said cabin one evening and returning next day, he found L. and others pulling it down; who were indicted for a forcible entry. Whether certain facts amount to a possession sufficient to sustain such an indictment, is for the court; the truth of the facts for the

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jury. If a juror knows facts not in evidence, he should declare it and be sworn as a...

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