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## **Documents Online**

**Title:** Letter from John Reed to John Brock

**Date:** May 11, 1846

**Location:** I-SpahrB-1940-1

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Carlisle. May 11. 1846.

Dear Sir.

I rec<sup>d</sup> your letter on Saturday, upon my return from Juniata Court. I find the questions you propose are of a vexed sort and not readily settled. I look in the 2 vol of *Keely's Com: 3<sup>d</sup> Ed<sup>n</sup>* page 236 &c and the notes - & have referred to - also also the 4th ed<sup>n</sup> of *Chitty's Contracts*. 153 &c &c and the notes - can refer to.

at Com. law. a feme covert, could not make a deed. She can only do so by virtue of our act of assentably 10<sup>th</sup> Nov. 1797. She must be of "full age" & it must be so certified. I doubted at first if the deed be good & was not Void - not voidable. But I think our Supreme Court decided, perhaps in Cook & Laflin v. B. & R. that when the acknowledged deed of a married woman is deposited, the same confers it afterwards. It would in that case be voidable. I suspect that I have not fully investigated - That though a right of redemption was reserved, yet a fee simple was vested in Lane, and if she suffered a long time to elapse after the death of her husband, improvement to be made



or look any positive benefit under the tale  
that it would be considered a confirmation  
as to the right of her heirs. I don't think  
the mere omission to affirm or disaffirm the  
Deed after the known age or discovery -  
could defeat the right of any one of her children,  
it could require some act equivalent  
to a confirmation - or something that  
would settle her - her heirs in equity  
from denying the validity of the Deed.

The right of the children after her death,  
I have no doubt would be personal,  
and each one could act for him self and  
could not prejudice the claim of the  
other. Unless some very decisive evidence  
exists - of rendering it inevitable that  
for any one of her children to claim  
his right, I would think upon tender-  
ing the Deed. then from him, he could never  
see his undivided interest. No one

can be with exact certainty what  
might be the result without a trial  
as I should think it worth a consult.

I am very busy preparing for the lecture  
which will meet in a few days. I  
must therefore apologize for the  
unsatisfactory manner in which I  
have answered the inquiry.

Mrs R & Mrs M. please  
their respects & please accept  
an affirmation of my high respect.

Yours  
J. H. Ward





Chas Brock Esq  
Atty at Law  
Philadelphia



Carlisle, May 11, 1846

Dear Sir,

I recd your letter on Saturday, upon my return from Juniata Court. I find the questions you propose are of a vexed sort and not readily settled. Look in the 2 vol. of Keats Com: 3<sup>rd</sup> Edn page 236 etc and the notes, & cases referred to, also also the late Edn of [illegible] on Contracts, 153, etc etc and the notes & cases [illegible] to.

At com. law a femme [illegible], could not make a Deed. She can only do so by virtue of an act of assembly [illegible citation]. She must be of "full age" and it must be so certified. I doubted in fact if the Deed referred to was not Void – not Voidable: But I think Am Supreme Court decided perhaps in Cook vs Cosill & C. vs. R. that when the acknowledgement of a married woman is deputed, she may confirm it afterwards. It would in [illegible] be voidable. I expect, tho' I have not fully investigated, that maybe a right of [illegible] need respond, yet a few simple [illegible] [illegible] in love, and if she suffered a long time to elapse, after the death of her husband, improvements to be made

[page 2]

or look any [illegible] benefit under the sale that it would be considered a confirmation and bar the right of her heirs. I don't think the mere omission to affirm or disaffirm the Deed after she becomes of age or dis[illegible] could defeat the right of any one of her children, it would require some act equivalent to a confirmation, or something that would stop her & her heirs in equity from denying the validity of the Deed. The right of the children after her death, I have no doubt would be personal and each one could act for himself and could not prejudice the claims of the others. Unless some very decisive evidence exists, rendering it inequitable now for any one of her children to raise his right, I would think upon tendering the amt. due from him, he could recover his undivided interest. No one

[page 3]

can act with exact certainty what might be a result without a trial and I should think it [illegible] a contest.

I am very busy preparing for the Superior Court which will meet in a few days. I must on that account apologize for the unsatisfactory manner in which I have answered the inquiry.

Mrs. R. & Mrs. Mc present their respects & please accept an apology & my high respect.

John Reed

(On verso) John P. Brock Esq  
Atty at Law  
Philadelphia  
Postmarked Carlisle May 12 Pena.