

**Scott Vs. Crosdale**

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**SooperKanoon Citation :** [sooperkanoon.com/78024](http://sooperkanoon.com/78024)

**Court :** US Supreme Court

**Decided On :** 1791

**Appeal No. :** 2 U.S. 127

**Appellant :** Scott

**Respondent :** Crosdale

**Judgement :**

SCOTT v. CROSDALE - 2 U.S. 127 (1791)

U.S. Supreme Court SCOTT v. CROSDALE, 2 U.S. 127 (1791)

2 U.S. 127 (Dall.)

Scott

v.

Crosdale

Supreme Court of Pennsylvania

September Term, 1791

This was an action of Dower, brought in Bucks County, against the defendant, who had purchased lands, sold by the sheriff under a judgment obtained on a Scire Facias on a mortgage. The mortgage was executed by the husband, but the plaintiff (his widow) was no party to it: And on the trial Justice Atlee reserved the

point, whether the wife's dower was bound by the mortgage?

Serjeant, for the plaintiff, contended that there was a distinction as to the effect of a sale under a Fi. Fa. and a Levari Facias.

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That, in the latter case, the act (1 Vol. Dall. Edit. p. 71. 2.) directs that no greater estate shall be conveyed than the lands are mortgaged for: And in this case the woman had not done any act to bar her estate in the lands. He added that in New Jersey, where the act of Assembly was very similar, the wife was always held to be entitled to dower.

Wilcocks, after stating that at Chester, in the case of Howell versus Laycock, it was determined that a sale by an Executor, to whom lands were devised for the payment of debts, barred the widow's dower, would have proceeded; but,

By the Court: The point has been too long settled to be stirred now; and judgment must be for the defendant.

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