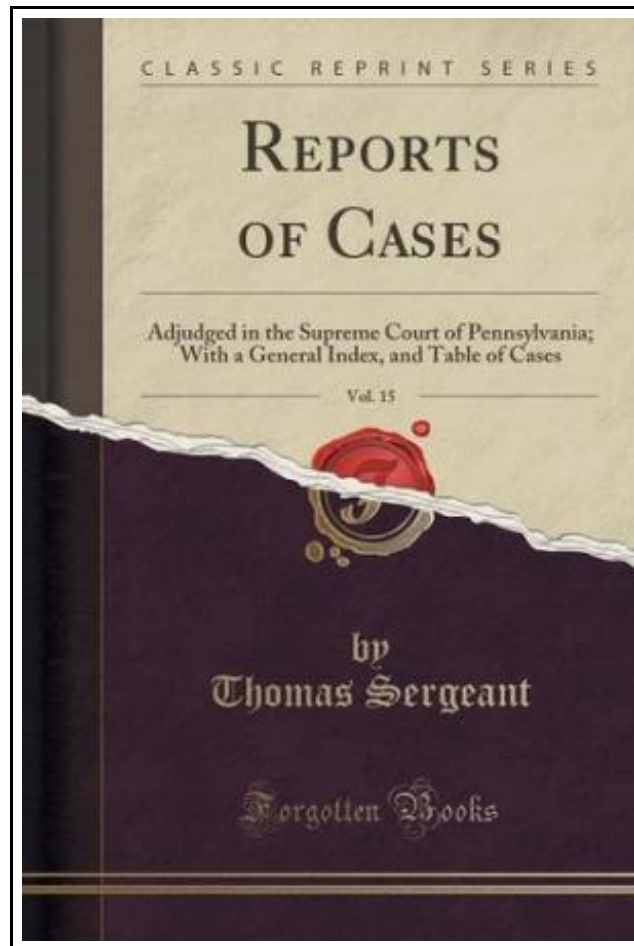


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Forgotten Books, United States, 2015. Paperback. Book Condition: New. 229 x 152 mm. Language: English . Brand New Book ***** Print on Demand *****.Excerpt from Reports of Cases, Vol. 15: Adjudged in the Supreme Court of Pennsylvania; With a General Index, and Table of Cases It appeared on the record, that the plaintiff prayed a writ of retorno habendo, which had been issued. Penrose, for the plaintiff in error. 1. The description is too vague. A lot of sundries means a portion. He has got a judgment for a portion. He can have return only of what he has judgment for. It is is not certain even to a general intent. 1 Chitty Pl. 237. Certainty, to a general intent, is that which makes the matter certain without recurring to possible facts, which do not appear. Here there is no certainty, without such recurrence. 2 Wheat. Selwyn, 914, - divers goods and chattels, insufficient. 2. As to assessing the damages, at the amount of the plaintiff s claim. Here the value of the property was submitted, as the standard; but this was to be estimated by a fictitious standard. Penrod v. Mitchell, (S Serg. Rawle, 522,) is precisely this case. Alexander, contra. 1. When facts are equally in the knowledge of both parties, there is not the same necessity for certainty. 6 Cornyn s Dig. Tit. Pleader, C. 36. As to the difference between judgment by default and a demurrer, - here the plaintiff substantially showed a good title; but it is cured by pleading over and verdict. 6 Com. Digest, 63. Pleader, C. 32. Where words not actionable are joined with those that are, the court will intend that the damages are given only for the actionable words. Here there were other goods well described; and some intendment...



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