~~[illegible]~~ altogether repugnant to the genius & analogies of the common law, & to what have generally been deemed the principles of public policy also; I doubt, very much, whether it can ever be intended, from any provision of Statutes Law, by mere implication, or ought be allowed, in any case of dubious construction. As at present advised, therefore, I incline to the opinion, that Juries Court are not capable of devising real estate, under the statute of Massachusetts; though I cannot say, that I am sanguine in this opinion. I presume, however, that the question must have been settled, in that State, before this time, by authority, or general usage. — It will not, I hope, be thought indecorous in me, to observe, with respect to Mr. Channing's opinion, that "a married woman cannot be seised of lands, "in her own right, during coverture", that I cannot assent to that opinion. If the case presented no other objection to her devising, under the statute of Massachusetts, I should certainly think, that she was within the devising clause of the act.

It may, possibly, still be made a question, whether, by the aid of the indenture of April 1814, & the said provision of the will of Mrs. B. considered as an appointment, may not be supported, so far as