

Kentucky Court of Appeals

September Term, Oct 21. 1884

James P. Harris Appellant } Appeal from
as Z Opinin } Floyd
Patrick Lavin &c Appellees } Circuit Court

The court being sufficiently advised, delivered the following opinion herein,

This action in ordinary was brought in the name of Patrick Lavin against the appellant James P. Harris to recover a small tract of land. The petition is of the ordinary ejectment form.

The answer contains a general denial of the allegations of the petition; claims the land under an elder patent to that upon which the plaintiff relies, and also seeks to defeat a recovery by the plea of adverse possession and limitation.

The testimony discloses that in the year 1842 a patent issued to one John B. Harris for 2475 acres of land less 625 acres by reason of a prior claim; and that the appellee Lavin having obtained a judgment against said Harris, the latter surrendered in writing about 100 acres of this land