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(Dr. Isabell Wiza DDS)

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Rarebooksclub.com, United States, 2012. Paperback. Book Condition: New. 246 x 189 mm. Language: English . Brand New Book ***** Print on Demand *****.This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1902 Excerpt: . we were required to do so to uphold a devise that would otherwise tail. Whatever estate was devised by the testator to his son became vested before the statute of 1840; but we do not feel bound to regard it with anymore favor than we should if the decision in McFeely and Moore was still obligatory. In King v. Beck, 12 Ohio 390, following their former opinion in McFeely v. Moore, supra, the Supreme Court held that the rule in Shelley s case, although not then applicable to wills taking effect since 1840, was in all other respects a rule of property in Ohio; but this opinion was afterward reversed in King v. Beck, 15 Ohio 559, where it was held that the rule referred to would not be allowed to prevail against the intention of the testator, if that intention could be effectuated without creating an estate forbidden by law. The effect of this decision, we suppose, was in all cases where the limitation in the will was to the first taker for life by express words, to deny the application of the rule referred to, regarding Sec. 47 of the wills act as declaratory of the law previously existing, not as establishing a new rule, but removing all doubt as to what the law really was. We may, therefore, conclude, that in every case where there is a clear expression of the testator s purpose by the language of the devise, that the...

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