

Case.

St. Governor Pierre Van Cortlandt under the Will of his Father Philip Van Cortlandt was prior to and until the year one thousand seven hundred and eighty two seized in tail of certain lands in the County of West Chester. By the Acts passed in 1782 and 1787. to abolish entails his estate in the said lands was converted into a fee simple absolute. The St Governor by his Will dated 5th December 1805. disposed of the said lands in the manner therein expressed to his Sons Philip and Pierre and his three Daughters after the death of their Mother, but on the 12th day of March 1811. he by a Codicil to his Will devised the lands therein for that purpose particularly described to his Son ^{Pierre} in fee simple. Both the St Governor and his wife are dead. The latter survived his wife and died in May 1814. His Son Philip entered into possession of the ^{lands} as above devised to his Brother Pierre at his Fathers death and held the same until he died in the year 1831. when he devised the use and income thereof until the year 1836. to his Nephew Philip G. Van Wyck and family. -

The only material question which arises on the above Case is, whether Pierre Van Cortlandt the Son of the St Governor is entitled to the premises devised to him under the Codicil to the Will of his Father? -

Answer.

The Codicil is plain and explicit. It gives the property in fee simple to the Testators Son Pierre. The enjoyment of it by Philip since his Fathers death in the year 1814. being less than 20. years does not bar Pieres right as devised of his Father, who by our Statute was the owner in fee when he made his Will and Codicil; nor can the devise by the Will of his Brother Philip in any manner impair the title of Pierre under the Codicil of his Father.

February 16. 1832. A. Van Vliet

For
Genl. F. Van Cortlandt
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