

Case.

Lt Governor Van Cortlandt under the Will of his Father Philip Van Cortlandt - was prior to and until the year one seven hundred and Eighty two seized in tail of certain lands in the County of Westchester. 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 Lt Governor by his will dated 5th December 1805 disposed of the said lands in manner therein expressed to his sons Philip and Pierre and his three daughters after the Death of their Mother but on the twelfth day of March 1811 he by a Codicil to his will devised the Lands therein in for that purpose particularly described to his son Pierre in fee simple. Both the Lieut 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 so as above devised to his Brother Pierre at his Father's death and held the same until ^{when he devised the use and income thereof until the year 1836} he died in the 1836 to his Nephew Philip J. Van Wyck and Family.

The only material Question which arises on the above case is. Whether Pierre Van Cortlandt the son of the Lieut 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 Father's Death in the year 1814 being less than twenty years does not bar Pierre's right as devisee 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 measure impair the title of Pierre under the Codicil of his Father -

February 16th 1832

J. H. Van Zeehtene

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Abraham Van Sleet's
Opinions on The
Wills of ~~Gov. Chas. C. Smith~~
& Lt. Gov. George Van Cortlandt

2/19/10