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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. 1833 Excerpt: ...upon an objection in point of law to the right of the plaintiffs to convey the property. The question for the consideration of the Court is twofold--whether the single freehold estate passed to the plaintiffs; and, if it did, did it pass charged with the payment of debts? The affirmative of the proposition is contended for on the part of the plaintiffs. Where no presumption appears to raise a contrary inference, the Courts make every intendment in favour of the honesty and integrity of the testator, and will, by every means in their power, provide for the discharge of his just debts and obligations. The only possible doubt in the present case arises from the use of the word estate, and the proper construction to be put upon it. It is contended, that when the word estate is associated with others in a large sense, where, for example, it is said, 'all my goods, chattels, estate, and effects,' under such circumstances it is maintained, that the testator's intention prima facie was, that the fee should pass. It must be admitted that the intention of the testator here was, not to die intestate as to any part of his property. His object was to provide for all his family, and meet their necessities and wants. Independently of the words, this intention on the part of the testator may be gathered from the trusts and uses for which he devised to the plaintiffs, and which evidently shew that it was his meaning, that the freehold estate in question should be sold. The authorities prove that the word estate, if there be nothing to controul it, will of itself carry the fee. In *Tirrel v. Page* (1), a devise of divers legacies in money, and then followed a devise of lands--"all the rest and residue of my money, goods, and chattels, and other eitalt whatsoever, I give ...

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Peggy Elmore:

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