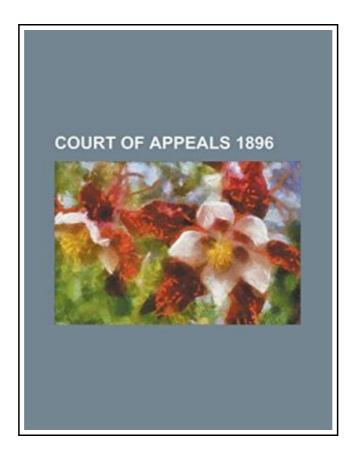
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COURT OF APPEALS 1896



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Rarebooksclub.com, United States, 2013. 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 usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1896 edition. Excerpt: .is the memorandum, Exhibit H, signed by the testator, by which he recommends that 100,000 be given to the Northwestern Univei sity (Case, fols. 1160-1166; Opinion of General Term, Case, fols. 4357-4358). As to this devise and bequest to the residuary legatees Bulkley and Bitch, the testator said in the private memorandum signed by him December 11, 1884: I have made Messrs. Bulkley and Bitch my residuary legatees, in the confidence that thereby my inten tions as expressed in my will shall be carried into effect (Case, fol. 1149). The Private Memorandum of March 22d, 1889, Exhibit H, was a further expression of his intentions with regard to the disposal of the residually estate which he had given to the residuary legatees, and which they had accepted, on the understanding that they would carry out those intentions. As evidence of this, Mr. Ritch wrote to Mr. Fayerweather on November 14, 1890, saying: The intention of the change in question was to enable Mr. Bulkley and myself to carry out the intentions of the will, as modified by the various memoranda in. my possession (Case, fol. 1192). The memoranda here referred to, according to the testimony of Mr. Ritch, were the memoranda Exhibits G and H (Case, fols. 1195, 1196). The right of the Northwestern University therefore arose out of a trust ex mateficio. The residuary legatees having obtained possession of the residuary estate by a promise on their part to dispose of it in...

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