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THE UNIFORM PROPERTY ACT IN PENNSYLVANIA

JOHN W. ENGLISH*

INTRODUCTION

In June, 1939, the text of the Uniform Property Act was placed before the Pennsylvania Bar Association at Bedford Springs. This Act is the product of the cooperative work of the National Conference of Commissioners on Uniform State Laws and the American Law Institute. As such it bears the marks of careful study and serious consideration of many knotty problems in the law of Property.

The land law of the English feudal system was based on theories and gave rise to many rules which have no place in modern law, and should have no application to modern situations. It is unfortunate that many of these theories and rules still flourish in this country.

When the American Colonies were founded and began their early growth, their law was based on the law of the English mother country which was transplanted to the colonies with but minor changes. The American Revolution gave political independence to the United States but American judges remained in willing bondage to English legal precedents. In most part this transplantation of law was beneficial. But in many instances the courts carried over useless history and made it living law.

Nowhere was this reluctance to change as evident as it was, and is, in the law of Property. The courts were unwilling to alter the canons of Blackstone lest they disturb property interests and titles. Almost universally it has been necessary for the legislature to intervene in order to eradicate many absurdities in the law. It was to provide intelligent and expert assistance to legislatures in such intervention that the present Act was drawn.

The Uniform Property Act is composed of a number of short sections, each of which is designed to eliminate old concepts and rules, which hamper the transferability of property and hinder the creation of valid estates in both realty and personalty. Each section covers a particular rule or related rules or phases of the subject and all together they treat of some difficult parts of Property law with unusual clarity.

Since this act is a Uniform Act, it was drawn with an eye toward all the states. Many of the rules which it attacks already have been abolished or modified in many jurisdictions. But in each state different rules have undergone revision and in varying degrees. In examining the Act therefore with reference to the law of any

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one state, it is necessary to ascertain to what extent each section is already in force in that state and how much of the common-law rules still remain.

It is the purpose of this article to examine the proposed Act and the Pennsylvania law to which it applies, to consider the differences between them and to attempt some recommendations as to necessary legislative action.

It has been found that several of the sections involve different phases of the same fundamental problems. These sections will be discussed together. The problems involved in each section will be analyzed, the Pennsylvania answer to them will be considered, and then a conclusion and recommendation as to each section will be given. In the end there is a conclusion which considers the desirability of the Act as a whole.

In covering many problems it will be found that the common law of the state is in accord with the Act. In many other instances undesirable rules have been modified or eliminated. Thus it will be found that to a large extent the Uniform Act is merely a restatement of the present law of Pennsylvania. A close consideration of its provisions will be found valuable, however, in focusing our attention on many feudal concepts which still remain in our law.

Whether or not it is found immediately desirable to obtain the enactment of this Act, it is clear that in a number of instances covered by the Act, the enactment of sound legislation is desirable.

It is with a desire to point out the issues and problems affected by the Uniform Property Act and to be of some slight assistance in attaining their solution, that this article is written.

Of necessity it is brief and can at most be but a guide to more profound research. If it stimulates such research, it will have more than served its purpose.

AN ACT

TO ASSIMILATE INTERESTS IN REAL AND PERSONAL PROPERTY TO EACH OTHER, TO SIMPLIFY THEIR CREATION AND TRANSFER AND TO PROTECT THE OWNERS OF PRESENT AND FUTURE INTERESTS, AND TO MAKE UNIFORM THE LAW WITH REFERENCE THERETO.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Definitions.

"As used in this Act and unless a different meaning appears from the context,

(a) The term "property" means one or more interests, either legal or equitable, possessory or non-possessory, present or future, in land or in things other than land, including choses in action, but ex-
incuding powers of appointment, powers of sale and powers of revocation, except when specifically mentioned;
(b) The term "future interest" is applicable equally to property interests in land and in things other than land, and is limited to all varieties of remainders, reversions, executory interests, powers of termination (otherwise known as rights of entry for condition broken) and possibilities of reverter;
(c) The term "conveyance" means an act by which it is intended to create one or more property interests, irrespective of whether the act is effective to create such interests, and irrespective of whether the act is intended to have inter vivos or testamentary operation;
(d) The term "otherwise effective conveyance" means that the conveyance in question satisfies all the requirements of law other than the particular matter dealt with in the Section of this Act in which the term is used;
(e) An intent is "effectively manifested" when it is manifested by the evidence of intent admissible according to the applicable rules of law with respect to the admissibility of evidence."

Section 2. Applicability to Corporations.
"The provisions of this Act apply to Corporations unless the context indicates a more limited application."

The Title

The title would seem to be clear and comprehensive. One thing should perhaps be mentioned. Sections 19 and 20 of the Act deal with important phases of the rights of married persons and particularly of the wife. It might be well if some mention of this were included in the title.

The Constitution of 1874 contains this requirement for the title of a legislative Bill:
"No Bill except general appropriation Bills, shall be passed containing more than one subject, which shall be clearly expressed in the title." The present act probably could not be attacked on any claims that it embraced a plurality of subjects and was therefore unconstitutional. As long as the Act is concerned with one general subject, it is not invalid if it contains various branches of the same subject.²

The question of whether the title clearly expresses all the subject matter contained in the Act may be more difficult. Section 19 gives married women the right to convey their property without the joinder of their husbands. There may be some question whether the title sufficiently indicates this. The title is sufficient if it puts an interested person on inquiry³ and indicates the general subject.⁴ It is

1Constitution of Pennsylvania, 1874, Art. 3, sec. 3.
2In re Hadley, 336 Pa. 100, 6 A. (2nd) 874 (1939).
most probable that the present title of the Act would be constitutional. But to render it free from attack, it might be well for the legislature to add a phrase indicating that married women's property rights are affected by this Act.

**Definitions**

Section 1 is definitive and therefore involves no problems which it is necessary to discuss here. However, when considering subsequent sections, it is necessary to keep the meaning of terms in mind. For example: In sections 4, 7, 9, 10, 12, 13, 17, 19 and 20 the term "conveyance" is used in the sense of a transfer of property either inter vivos or testamentary. If it is deemed desirable to adopt any of these sections separately without adopting the rest of the act, the wording of each section will have to be amended accordingly.

**Corporations**

Section 2 brings corporations under the provisions of this Act.

This does not create any startling innovation in the law. A brief examination of the Act will show that Sections 10, 11, 12, 13, 14, 15, 17, 19 and 20 can have no application to corporations because, obviously, by their wording and meaning, they refer to natural persons. On the other hand, Sections 3, 4, 5, 6, 7, 8, 9, 16, 18 and 21 may be applied to corporate property and the corporation's rights and powers over it.

It is difficult to see in what way Section 2 would seriously affect or alter present law. The dominion of a private corporation over its property is similar to that of a private person over his property. It is true that there are some differences in the application of legal rules to corporate property owners and natural persons. But aside from special limitations, the corporate person can own or transfer property with the same facility as a natural person and there is no substantial reason why the pertinent sections of this Act should not apply to corporations.

It is most probable that Section 2 is already the law of Pennsylvania, and it should not be adopted unless the entire Act is enacted.

It would appear to be a useless section and should not be adopted unless the Act is adopted as a whole.

**Section 3. Estates May Exist in Things Other Than Land.**

"Any possessory or future interest, power of appointment or of revocation which may be created in this state with regard to land can also be created with regard to anything other than land, including choses in action."

This section assimilates interests in realty and personalty. This is extremely important today in view of the fact that property is often dealt with, particularly

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in wills, with little regard to its nature. The law of Real Property grew up from the usages and necessities of the feudal system. Upon a man's death it passed to his heirs or devisees by the theories and policies which underlay feudal tenure. The estates which could be created in land, and the method of their creation, were all subject to the theory of seisin and related doctrines. Personalty, on the other hand, was from early times, dealt with under the laws of the ecclesiastical courts. The civil law left a strong imprint on its distribution through the centuries. The differences between the laws relating to the two types of property have been, to a large extent, modified or eliminated. It is the purpose of Section 3 to assist in this process of assimilation. Section 3 does not state that the law relating to the creation of estates in realty and personalty shall be the same. It merely states that any interest which might be created in land can also be created in personalty. It does not attempt to make rules of construction in the creation of estates the same as applied to the two kinds of property. The nature of the two kinds of property necessitates different rules of construction in some instances. Neither does the section try to make all estates which might be created in personalty permissible in land. Our inquiry therefore will be, first, as to the estates which can be created in land in Pennsylvania, and, secondly, as to whether it is possible to create similar estates in personalty.

**Possessory Interests**

In realty the chief possessory estates are: The fee simple, the fee tail, the life estate, the term for years and the estate at will.

In personalty there is always a presumption toward the absolute interest where a bequest or gift is to be construed.\(^1\) It is therefore clear that an estate analogous to a fee simple in land, exists in personalty.

It has been held that there cannot be estates tail in personalty.\(^2\) This, however, is not at variance with the present land law of the commonwealth since estates tail can no longer be created in land.\(^3\)

Life estates can be created in personalty if there is a clear indication of the transferor's intent.\(^4\) But a bequest for life, without a gift over will be construed presumptively as absolute.\(^5\)

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\(^1\)Drennan's Appeal, 118 Pa. 176, 12 A. 348 (1886); Roger's Estate, 245 Pa. 206, 91 A. 351, L. R. A. 1917 A 168 (1914).
\(^2\)Eichelberger v. Barnetz, 17 S. & R. 294 (1828); Smith's Appeal, 23 Pa. 9 (1854); Pott's Appeal, 30 Pa. 168 (1856).
\(^3\)Act of April 27, 1855, P. L. 368, sec. 1, 68 P. S. 124; June 7, 1917, P. L. 403, sec. 13, 20 P. S. 225, and see sec. 10 infra.
\(^4\)Wentling v. Wentling, 1 Am. L. J. (N. S.) (1848); Markley's Estate, 132 Pa. 352 (1890); In re Kane's Estate, 185 Pa. 544, 40 A. 90 (1898); Freeman's Estate, 220 Pa. 343, 69 A. 816 (1908).
\(^5\)Appeal of Merkel, 109 Pa. 234 (1885); Drennan's Appeal, 118 Pa. 176, 12 A. 348 (1886); In re Roger's Estate, 245 Pa. 206, 91 A. 351, L. R. A. 1917 A 168 (1914).
Bailments of personalty at will or for terms are analogous to estates at will or terms for years in realty. Thus these interests are also to be found in personalty.

"It needs no citation of authority to show that possession of a chattel may be granted for a specific term or at will." 6

**Future Interests**

The courts have not treated future interests in chattels with complete uniformity. Their treatment varies with the type of personal property before them. There are three types of personalty to be considered: One, personalty held in trust; two, non-consumable personalty; and, three, consumable personalty.

**Trusts of Personalty**

The courts of Pennsylvania have always been very sympathetic toward trusts of personalty. It is easier to create a trust of personalty than of land. 7 Trusts will be supported for any legal purpose and almost any estate can be created. 8 It has not yet been decided by the courts of this Commonwealth, whether there can be created in personalty interests analogous to rights of entry for condition broken or possibilities of reverter in land. With these exceptions it would seem that the future interests which can be created in personalty held in trusts are closely assimilated to the future interests which can be created in land.

**Non-Consumable Personalty**

Under the above classification for purposes of this discussion are included legacies of money or things like money, over which no power of consumption has been granted to the owner of the present interest, and also durable chattels, the use of which does not of itself necessitate their consumption or deterioration.

The legislature by implication has recognized that future interests can be created in personalty by providing that the holder of the present interest must post security for the benefit of remaindermen. 9 However, a holder with a right of consumption need not post security. 10

The cases are uniform in allowing future interests in non-consumable per-

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7 In re Craige's Estate, 6 W. N. C. 318, 12 Phila. 163, 35 L. I. 456 (1878).
8 See Earp's Appeal, 75 Pa. 119 (1874); In re Kern’s Estate, 296 Pa. 348, 145 A. 824, 66 A. L. R. 1342 (1929); (Executory Interest) Rapp v. Rapp, 6 Pa. 45 (1847); (Vested Remainder) Gageby’s Estate, 243 Pa. 109, 141 A. 842 (1914); (Contingent Remainder) Hirsh’s Tr. Estate, 334 Pa. 172, 5 A. (2nd) 160 (1939).
9 Act of 1917, June 7, 447, sec. 23, 20 P. S. 635.
10 Green’s Appeal, 42 Pa. 25 (1862); Tibben’s Estate, 8 Dist. 234 (1899); Kerstein’s Estate, 18 Dist. 793 (1909); Hagenbuch’s Estate, 25 Dist. 686 (1916); Anderson’s Estate, 67 Pittsburgh 232, 28 Dist. 27, 23 York 24 (1919); Eitner’s Estate, 13 Lehigh L. J. 198.
sonalty. Executory interests are allowed,11 as are reversions,12 and vested13 or contingent remainders14 can be created. The courts have not had occasion to decide whether interests analogous to rights of entry for condition broken or possibilities of reverter are permissible in this type of property.

CONSUMABLE PROPERTY

In this group, for the purposes of this article, are included two types of personalty. The first, money and property like money, i.e., securities, over the corpus of which the life tenant has a power of consumption. The second, chattels, the enjoyment and use of which, by their very nature, require their consumption, such as food or a cask of wine.

In the first class of cases, although the life tenant is not required to give security,15 the courts will allow interests in remainder.16 Since the interests in remainder are uncertain in amount until the death of the tenant, these remainders have been called contingent.17 However, on principle, there seems no reason why they should not be called vested remainders subject to divestment upon the present holder's exercise of the power of consumption and this view has been adopted by some cases.18 Executory interests, however, are not permitted where the first taker has a power of consumption over the personalty19 but the same rule is applied to land20 so that the law is the same. Finally a reversionary interest, if properly expressed, should be permissible in this type of personalty.

The second class of cases are those of personalty which is truly consumable personalty, the enjoyment of which requires its consumption. Dicta in Pennsylvania cases have stated that it is impossible to have future interests in such personalty.21 However in Holman's Appeal22 the testator left his entire estate, real and personal, to his widow, for life or widowhood, with a gift over. The personalty included livestock, household furniture, farming implements, and some grain and liquor. The court said that the property was to be enjoyed according to its use. The wine and grain, since their use involved their consumption, be-

11Deihl v. King, 6 S. & R. 29 (1820); Rapp v. Rapp, 6 Pa. 45 (1847).
12In re Kane's Estate, 185 Pa. 544, 40 A. 90 (1898); Freeman's Estate, 220 Pa. 343, 69 A. 816 (1908).
13See Wentling v. Wentling, 1 Amer. L. J. (N. S.) (1848).
14Graham's Estate, 64 Pitts. 657 (1916).
15See Note (11) infra and cases cited.
16Gross v. Strominger, 178 Pa. 64 (1896); Richey's Estate, 251 Pa. 324 (1916); and see Markley's Estate, 132 Pa. 352 (1890); Mercur's Estate, 151 Pa. 1 (1892); Eitner's Estate, 13 Lehigh L. J. 198.
17Murand's Estate, 25 Dist. 725 (1915).
18In re Musser's Estate, 12 York 145 (1899).
20Fisher v. Wister, 154 Pa. 65 (1893).
2224 Pa. 174 (1854).
come part of the property of the life tenant. The livestock and furniture, since their use involved their gradual wearing out, have to be used prudently, and what remained would go, so it is to be inferred, according to the testator's disposition.

There is no case in this Commonwealth which directly decides the question of what would happen to the residue of consumable personalty which might remain after the death of a life tenant. It is probable that the distinction made in Holman's Appeal would be followed.

It seems therefore that while there can be future interests in personalty subject to deterioration by use, it is not likely that such interests would be allowed in personalty quae ipso usu consumuntur. And in that Pennsylvania would be in accord with the great weight of authority in this country.28

**Powers of Appointment and Revocation**

The proposed section of the Uniform Act would allow the creation of Powers of Appointment or Revocation in personalty. Where the personalty is held in trust there is no question that such powers can be created.24 Where, however, we have personalty not held in trust, the result may be different. Ordinarily, a gift of personalty once having been completed inter vivos is irrevocable.26 However, since a life tenant can be given an absolute power of consumption there seems no reason why the tenant could not be given a power of appointment. And if a power of appointment is permissible in a tenant in possession, it seems that the donor should be able to retain a power of revocation or that a third person might have a power of appointment.26

It has not been decided in this Commonwealth whether such powers can be created in chattels but with the exception of consumables, there seems to be no objection to them.

**Conclusion**

It seems that future interests in personalty and realty have already been closely assimilated. Interests corresponding to rights of entry for condition broken and possibilities of reverter, have not been created in this state in personalty. It is probable that no future interests would be allowed in the extreme types of consumable chattels. Finally powers of appointment and powers of revocation have not been expressly permitted in chattels not subject to a trust, although it is probable that they would be permitted.

The adoption of the proposed sections would permit the creation of all these interests. The question remains whether this would be desirable.

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23See notes, 16 L. R. A. (N. S.) 486; 77 A. L. R. 759.
25In re Foran's Estate, 10 Erie 175 (1928).
In regard to consumable chattels, there seems no reason why future interests would not be permitted in any residue remaining upon the termination of the first estate. If a remainder is allowed in a gift of money over which the first holder has a power of consumption or in chattels which may deteriorate with use, there is no reason why the same principle should not be applied to chattels which are consumed by use. Therefore in this aspect there is nothing really revolutionary in the proposed section.

Rights of entry for condition broken and possibilities of reverter present more difficulty. Where there was a gift or legacy of money, such future interests would merely involve a recovery of the sum from the donee, his estate or perhaps his legatees or next of kin upon the happening of the contingency. But in the case of a chattel such as a jewel, or a chair, a bona fide purchaser might find himself required to turn over the chattel upon the happening of a contingency of which he was unaware. However, this difficulty is almost equally true wherever the holder of a present interest in a chattel sells it to a bona fide purchaser. Such a difficulty would be better met by protecting a bona fide purchaser from the remaindermen, rather than declaring that it is impossible to create future interests in chattels. The same thing is substantially true of powers of appointment and powers of revocation in chattels not subject to a trust. But the mere fact that a revocation or appointment may operate to injure a bona fide purchaser should not defeat the creation of these powers. Testators are more and more willing to deal with land and personalty without discrimination and to attempt to create the same interests in both kinds of property. It is desirable that the same interests should be permissible in both in order to obtain a uniformity of law and to allow the intention of the donors of personal property to be more fully carried out. In order to accomplish this result fully, therefore, the adoption of Section 3 of the Uniform Act is strongly urged, and since the section in its present form seems clear and satisfactory, it should be adopted without change.

Section 4. Interest Conveyed.

"An otherwise effective conveyance of property transfers the entire interest which the conveyor has and has the power to convey unless an intent to transfer a less interest is effectively manifested. No words of inheritance or other special words are necessary to transfer a fee simple."

Section 5. Interest Created by the Exercise of a Power of Appointment, Power of Sale, or Power of Revocation

"An otherwise effective exercise of a power of Appointment, a power of Sale, or a power of Revocation, whether inter vivos or by a testamentary disposition, transfers or revokes the entire interest which the holder thereof has the power to transfer or revoke unless an intent to transfer or revoke a less interest is effectively manifested."

Section 6. Interest Reserved.

"An otherwise effective reservation of property by the conveyor reserves the interest the conveyor had prior to the conveyance unless an intent to reserve a different interest is effectively manifested."

The above three sections may be conveniently dealt with together. They all deal with the quantum of the interest transferred or retained by the transferor in a devise or conveyance inter vivos, by a reservation, or by the exercise of a power over property, and all three sections establish the same presumption: That the transferee receives an estate of the same duration as that the transferor owned or could dispose of, unless the transferor indicates his intent to transfer a lesser estate. As to some of these sections the law of Pennsylvania is clear and as to others it is dubious.

PERSONALTY

Words of inheritance were never necessary to create an absolute gift in personalty. The gift would be presumed to be absolute unless the donor indicated his intention to limit it. It would seem therefore that the law in regard to personalty would be in accord with Sections 4, 5 and 6. Our inquiries must be directed toward the presumptions raised in a transfer of land.

DEVISES

At common law in Pennsylvania no words of inheritance were required to pass a fee in a devise. Where, however, the intent of the testator was not indicated, only a life estate passed to the first taker. Thus the presumption was against the creation of a fee when there were no words of inheritance. This presumption was changed by the Act of April 8, 1833, which provided that "All devises of real estate shall pass the whole estate of the testator . . . unless it appears . . . that the testator intended to devise a less estate." It seems therefore that Section 4 of the Uniform Act is already the law in this Commonwealth in regard to devises.

DEEDS

In an inter vivos conveyance at common law, words of inheritance were

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1See French v. M'Ilhenny, 2 Bin. 13 (1809).
2Gray, Future Interests in Personal Property, 14 HARV. L. REV. at 412.
4Busby v. Busby, 1 Dall. 223, 1 L. Ed. 111 (1787); Clayton v. Clayton, 3 Bin. 476 (1811); Burr v. Sim, 1 Whart. 252, 29 Am. Dec. 48 (1835).
strictly required to pass a fee in Pennsylvania. This did not apply to equitable estates, and was changed by the Act of April 1, 1909. The second section of that Act did away with the requirement of words of inheritance, and the third section provided that all the interest of the grantor passed by the conveyance unless otherwise limited. In the second section it is provided "the words 'grant or convey' or either one of said words shall be effective . . . to pass a fee simple . . . ." This would seem to indicate that the words "grant or convey" might become words of art which might be required to make effective the transfer of a fee. Fortunately the courts have not adopted such a narrow view of the statute, but rather have interpreted it broadly.

In the recent case of Hess v. Jones it was held that an instrument, which contained neither of the words "grant" or "convey" or of inheritance, but which purported to "lease" land, and which gave to the grantees all the powers of a holder in fee, in fact was a deed and conveyed a fee. In view of this interpretation of the statute, it is clear that Pennsylvania is fully in accord with Section 4 in inter vivos conveyances.

RESERVATIONS

At common law the creation of a reservation by a grantor required words of inheritance in order to last beyond the life of the grantor. No case has yet decided whether the statutory presumption in deeds would be extended to reservations. Reservations are not included in the terms of the statute. But on principle it seems that they should be included. The intent of the legislature was to liberalize the old common-law rules requiring words of inheritance and that intent should be extended to reservations.

Since, however, reservations are not specifically included under the present statute, we must presume that they are still governed by the common law and therefore the law in Pennsylvania is not in accord with Section 6 of the Uniform Act.

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8Defraunce v. Brooks, 8 W. & S. 67 (1844); Freyvogle v. Hughes, 56 Pa. 228 (1867); see Ivory v. Burns, 56 Pa. 300 (1868).
9Act of April 1, 1909, P. L. 91, sec. 1 & 2; April 3, 1925, P. L. 404, sec. 1 and 3, 2b P. S. 2 and 3.
10335 Pa. 569, 7 A. (2d) 299 (1939).
12Karmuller v. Krota, 18 Ia. 352 (1865). Here the Iowa court said that a statute providing that words of inheritance were not necessary to create a fee simple applied also to a reservation. But see Ross v. McGeber, 98 Md. 395 (1906) where the court held that a Md. statute abolishing the necessity of words of inheritance to create a fee, did not apply to the reservation of an easement.
This writer has been unable to discover any cases in Pennsylvania which directly rule upon the question of whether or not words of inheritance are necessary to pass a fee in the exercise of a power of appointment or of sale, or of revocation. It is not settled what presumption, if any, should be considered in construing an exercise of power.

However, a power of appointment must be exercised either by a will or by a deed. In ordinary transfers of property by either instrument, it is presumed that the transferor transfers all that he has unless he manifests a contrary intent. Although it would seem absurd to adopt a different rule merely because a donee is transferring the donor’s property rather than his own, nevertheless, the possibility of such a construction must be kept in mind.

The same argument is applicable to some degree in regard to a power of sale or revocation. Such a power must ordinarily be exercised by a deed, and such a deed should be construed as any other deed and be subject to the statute.

Both the statutes as to devises and as to conveyances inter vivos speak in terms of property of the grantor or testator. They do not therefore expressly include transfers of property by the exercise of a power, but it seems questionable that any court would apply a different rule in regard to the construction of an instrument exercising a power than they would to an ordinary instrument. It must be concluded, however, that Pennsylvania has no law governing Section 5 of the Uniform Act.

**Conclusion**

A testator or grantor is presumed to transfer his whole estate unless his limiting intention is indicated. The legislature of Pennsylvania therefore has anticipated Section 4. Reservations are still under the common law and may still require words of inheritance. Therefore Section 6 would be a desirable change in the present law. It is probable that the holder of a power would be presumed to transfer or revoke to the full extent of the power but there is no law deciding the point so that Section 5 would fill a possible gap in the present law of the Commonwealth.

It is recommended, therefore, that Sections 5 and 6 be adopted as part of the law of Pennsylvania in order to bring the law as to the exercise of powers and the creation of reservations into line with the present law of property transfers.

The adoption of Section 4 is not necessary since it would be merely a restatement of present Pennsylvania law. Its adoption would depend on whether it is deemed desirable to adopt the Uniform Act as a whole.

*(TO BE CONTINUED IN JANUARY, 1942, ISSUE)*