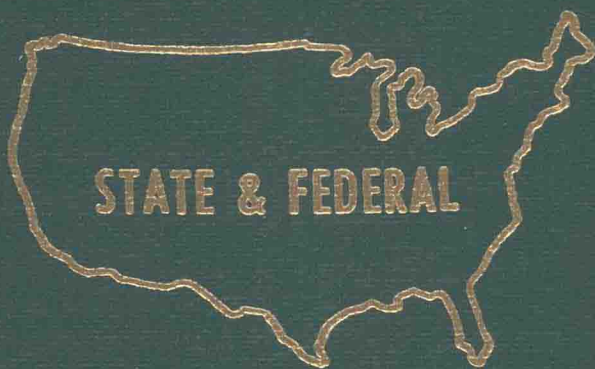


AMERICAN JURISPRUDENCE 2d



PERPETUITIES AND RESTRAINTS ON ALIENATION
—
PLANT AND JOB SAFETY—OSHA AND STATE LAWS

AMERICAN JURISPRUDENCE

SECOND EDITION

A MODERN COMPREHENSIVE TEXT STATEMENT
OF AMERICAN LAW

STATE AND FEDERAL

COMPLETELY REVISED AND REWRITTEN
IN THE LIGHT OF MODERN AUTHORITIES AND DEVELOPMENTS
BY THE EDITORIAL STAFF OF THE PUBLISHERS

VOLUME 61

PERPETUITIES AND RESTRAINTS ON ALIENATION
TO
PLANT AND JOB SAFETY—OSHA AND STATE LAWS

1981



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FOREWORD

The rewriting and reissuance of Volume 61 of *Am Jur 2d* is compelled by the substantial body of new law affecting major topics appearing therein, or within its alphabetical scope.

Thus, since 1972, with respect to pollution control, we have seen complete reclassification of and substantial amendment to the Clean Air Act (42 USCS §§ 7401 et seq.), enactment of the Resource Conservation and Recovery Act of 1976 (42 USCS §§ 6901 et seq.), the Uranium Mill Tailings Radiation Control Act of 1978 (42 USCS §§ 7901 et seq.), the Toxic Substance Control Act of 1976 (15 USCS §§ 2601-2629), the Deepwater Port Act of 1974 (33 USCS § 1517, imposing liability for oil pollution), the National Pollution Research and Development and Monitoring Planning Act of 1978 (33 USCS §§ 1701 et seq.), and the creation of an offshore oil spill pollution fund (33 USCS §§ 1811 et seq.) in 1978. The above, together with NEPA (42 USCS §§ 4321 et seq.) in 1969, the Noise Control Act (42 USCS §§ 4901 et seq.) in 1972, FIFRA (7 USCS §§ 136 et seq.) in 1972, FWPCA (33 USCS §§ 1251 et seq.) in 1972, and the Marine Protection, Research and Sanctuaries Act (33 USCS §§ 1401 et seq.) in 1972, have resulted in a vast body of new law comprised of court decisions and agency regulations and decisions. Inclusion of the above results in a new and greatly expanded article on Pollution Control appearing in new Volume 61A.

With respect to the topic "Physicians, Surgeons, and Other Healers," the development of practice through professional corporations, the modern approaches to dealing with malpractice claims, including statutory limitations upon the amount of recovery, and requirement or authorization for submission of claims to pre-trial panels, impartial subpanels, or arbitration, and the rise of medical malpractice countersuits, have resulted in extensive changes in the law encompassed in this subject.

A vast body of law in the form of agency regulations and decisions, as well as decisions of the courts, have newly evolved from the original enactment of the Federal Occupational Safety and Health Act in 1970, and these are discussed, together with the original act, in a new article in Volume 61 entitled, "Plant and Job Safety—OSHA and State Laws," which replaces the article "Occupational Safety and Health Acts," formerly contained in the *Am Jur 2d* New Topic Service.

The article, Pleading, rewritten and reissued in Volume 61A, incorporates the changes in the Federal Rules of Civil Procedure relative to pleading, and discusses the substantial body of federal case law emanating therefrom, and the principal state cases arising under procedural statutes and rules paralleling, or similar to, these rules, as well as other state enactments and cases with respect to pleading.

The other topics in original Volume 61 have also been completely researched and rewritten in new Volumes 61 and 61A.

THE PUBLISHERS

TABLE OF PARALLEL REFERENCES

This table shows where the subject matter of the various sections of articles in the first edition of American Jurisprudence is treated in American Jurisprudence 2d. It enables one to translate references in the Am Jur General Index, in AM JUR FORMS books, in AM JUR PROOF OF FACTS, and in AM JUR TRIALS, as well as the many references to "Am Jur" in the reported cases in other legal publications, into references to Am Jur 2d.

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The reader should always consult the volume index for detail and for matter not appearing in the first edition.

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PERPETUITIES AND RESTRAINTS ON ALIENATION

by

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Scope of Topic: This article discusses the general principles, application, and effect of the rule against perpetuities, including statutory provisions restricting the suspension of the power of alienation, and limitations upon trusts regarding accumulations of income, as well as the related doctrine barring restraints on the alienation of property.

Treated elsewhere is the application of the rule against perpetuities and the doctrine against restraints on alienation to charities (see 15 Am Jur 2d, CHARITIES §§ 19–24); spendthrift trusts (see 76 Am Jur 2d, TRUSTS §§ 147 et seq.); married women's equitable separate estate (see 41 Am Jur 2d, HUSBAND AND WIFE §§ 158, 159); the duration of business trusts (see 13 Am Jur 2d, BUSINESS TRUSTS § 21) and of corporations (see 18 Am Jur 2d, CORPORATIONS §§ 64, 65); subletting and assignment of leaseholds (see 49 Am Jur 2d, LANDLORD AND TENANT §§ 405–407, 485); leases renewable forever (see 50 Am Jur 2d, LANDLORD AND TENANT § 1169); and gas and oil leases (see 38 Am Jur 2d, GAS AND OIL §§ 168, 193).

Also treated elsewhere is the application of these rules to restraints involving transfers of interest in condominiums and co-operative apartment (see 15 Am Jur 2d, CONDOMINIUMS AND CO-OPERATIVE APARTMENTS §§ 9, 40, 41, 64, 82); stock transfers (see 18 Am Jur 2d, CORPORATIONS §§ 381 et seq.); voting trust certificates (see 19 Am Jur 2d, CORPORATIONS § 698); partition (see 59 Am Jur 2d, PARTITION §§ 7, 9); restrictions on particular uses of property (see 20 Am Jur 2d, COVENANTS, CONDITIONS, AND AND RESTRICTIONS §§ 183, 184).

Federal Aspects: Restrictions upon the alienation of allotments made to Indians of reservation lands or of public lands (25 USCS §§ 348, 391), see 41 Am Jur 2d, INDIANS §§ 45–49.

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