Preparation and Construction of Wills

Paul L. Sayre
Indiana University School of Law
tions. Statutes are usually of types, and where there is no particular type which has thus far been widely adopted the two or three types which are found could well be used. This would add very few pages to the casebook, perhaps not more than twenty-five or thirty at the most. It would serve to fix in the mind of the student the statutory basis for much of the modern law of Public Utilities and would also call attention to the various types of statutory provisions which are to be considered and evaluated in the light of experience and discussion.

Both books are to be commended for the use which they make of commission cases. More liberal use of this material might well be made in the future. The great outstanding merit of Mr. Robinson's work is the tremendous number of Law Review articles on Public Utilities cited, both in appropriate places throughout the book and in a separate list. Mr. Robinson also gives a list of books on Public Utilities. The books are physically well done; each containing a table of cases and elaborate index. It is to be hoped that more time can be given to the subject of Public Utilities in law schools. Almost every village, city, county, or state's attorney or counsel encounters utility problems. The private practitioner also has a growing amount of this type of business. Either of these books furnishes material well adapted to a course longer than the traditional two-hour one.

Indiana University.

NOTICES


It is the fashion to speak somewhat patronizingly of form books as if they were only to secure a rather superficial knowledge for the hand-to-mouth lawyer who really doesn't understand the law but wants to go through the motions of practice for the money there is in it. This patronizing attitude seems fair enough until one goes to a law office and finds the lawyers who have had excellent law school training using the form books constantly. The form book authors themselves do not claim that they are substitutes for understanding the actual content of the law; and it would be well if reviewers would not imply that it is incompatible with legal learning for one to use a form book at all. Certainly this book on Wills by Mr. Lewis is a scholarly and thorough volume which will be of great service to the profession.

Mr. Lewis sets forth a will, clause by clause, including in this will all the clauses that are generally necessary to accomplish a testator's intent. Then he annotates each clause giving references to decided cases, law review articles and text books in which the legal effect of the precise words used is explained and justified by the authorities. Especially in the drawing of a will a lawyer would like to know how the courts will construe the particular language which he uses. It is to supply an answer to these important questions that Mr. Lewis arranges his authorities in support of the various clauses which he gives. One may remark incidentally that
Mr. Lewis gives more quotations from law review articles in explanation of his provisions than he does from textbooks. The labor in securing apt quotations or excerpts from various law review material for each particular clause must have been considerable. The reader is delighted to find how clear and helpful is this running commentary of excerpts from legal periodicals. For the lawyer who does not practice in New York there may be some objection to the choice that Mr. Lewis has made in that he emphasizes New York cases and gives material in exposition of New York doctrines. The reviewer feels, however, that this emphasis is more apparent than real and that the exposition of the forms is adequate for all jurisdictions.

At the end of the volume is an appendix that gives in full a large number of wills by prominent men. Thus in the will of the late William G. Rockefeller and Alfred G. Vanderbilt the humble of this earth may see how millions are disposed of; and in the wills of Theodore Roosevelt and Woodrow Wilson we see how men of national distinction handle their estates. For instance on the death of Woodrow Wilson many of the newspapers announced that the estate had been willed entirely to Mrs. Wilson with the exception of a small legacy to Miss Margaret Wilson. In fact, it appeared in the will, however, that the estate is given to Mrs. Wilson for life while the entire property reverts to the children on her death.

The index is carefully done but like most all indexes could be more detailed with advantage to the busy lawyer who is seeking a particular point. There is a Table of Cases covering all the authorities from which quotations have been made in support of the author's proposed clauses in a will.


This is a kindly book in which the good points and the bad points of the various forces in social life and various theories of social progress are considered dispassionately and given a reasonable evaluation. It would seem that Professor Weatherly does not think that any one principle or any one group of values is likely to be the crucial one in determining social progress. The book deals with economic and sociological facts and their influence on social progress. It also deals with the various schools of political theory and the effect on progress of the various tendencies in political and social life, as well as the various factors in human pathology that must effect social progress regardless of political and social theories.

The book is divided into five parts: Conditions, Attitudes, Factors, Pathology, Process and Product. Under these somewhat general heads he deals with the economic, political, social and pathological questions that are set forth more particularly in the many separate chapters. The book is four hundred pages in length and contains many foot-note references with "suggested readings" at the end of each chapter. The foot-note references are admirable in that generally they give specific authorities for the statements made in the text.

The estimate of the general editor given in the introduction to the book that this is a scholarly book dealing with social progress in a sober way seems amply substantiated. Professor Weatherly refers to the statement of John Stewart Mill to the effect that it will be unfortunate if those who