

6-1928

## Cases on Wills and Administration, by Philip Mechem and Thomas E. Atkinson

Paul L. Sayre  
*Indiana University School of Law*

Follow this and additional works at: <https://www.repository.law.indiana.edu/ilj>



Part of the [Estates and Trusts Commons](#)

### Recommended Citation

Sayre, Paul L. (1928) "Cases on Wills and Administration, by Philip Mechem and Thomas E. Atkinson," *Indiana Law Journal*: Vol. 3: Iss. 9, Article 7.

Available at: <https://www.repository.law.indiana.edu/ilj/vol3/iss9/7>

This Book Review is brought to you for free and open access by the Maurer Law Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Indiana Law Journal by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact [kdcogswe@indiana.edu](mailto:kdcogswe@indiana.edu).



**JEROME HALL LAW LIBRARY**

INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

*Cases on Wills and Administration.* By Philip Mechem and Thomas E. Atkinson. Rochester: Lawyers Co-operative Pub. Co., 1928. Pp. x, 703. Price \$5.00.

This is an admirable case book. The old land mark cases are used when they are of real value whether in full or by way of footnote references, while the subjects treated are covered as much as possible by very recent cases. In the field of Administration the reviewer feels that the cases selected, together with the footnote material, presents perhaps the most thorough and useful tool for the teaching of this field of law that is now available to law schools.

The arrangement of the book seems fortunate. Thus chapter IX deals with "Revalidation of Wills" and in this chapter are considered the following subjects: (1) Statutes, (2) Re-execution, (3) Incorporation, Renewal and Republication by Codicil, (4) Revival by Revocation of later revoking will. In this way the material dealing with republication in counter-distinction to incorporation by reference is clearly brought out. On the other hand there is a separate chapter dealing with "Integration of Wills" and under this heading is considered: Incorporation by Reference, apart from its significance in the field of republication. Whether this separation in the presentation of different phases of this subject will be helpful in the classroom, the reviewer cannot say.

The footnote references are clear and are perhaps adequate, although the authors surely have not erred on the side of giving purely cumulative references. The authors have distinguished their "notes" from their footnote references. These "notes" seem to cover an illustrative exposition of the point in the main case while the footnote references not prefaced by the word "note" are merely additional cases on the same point. The authors disclaim any attempt to cover the questions of gifts *causa mortis* or to show the effect of income tax and inheritance tax laws upon the course of descent. Not even by footnotes do they cover the relation of insurance law, living and testamentary trusts, and certain phases of the law of future interests with the matter covered in their casebook. That is justified on the ground of limited space. It seems to the reviewer that they might well have shown by illustrative notes something of the effect of these questions on the questions that they do consider. Surely in the

future, a course in Wills will have to take account of these collateral fields of the law more definitely than it has in the past.

Perhaps the most original phase of their work is found in Chapter VIII which deals with "Condition and Mistake." This chapter deals with (1) Express Conditions, (2) Testator's Mistake as to Contents of Will, (3) Implied Condition and Mistake in Inducement, including so-called "Dependent Relative Revocation." In their handling of this chapter they take full advantage of recent law review articles that deal with these subjects and put them on a much stronger footing than they had some thirty years ago. It may be added that throughout the casebook, references to law review articles have been most fully and most fortunately supplied.