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The Indiana Law of Future Interests, Descent and Wills, by Bernard C. Gavit

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BOOK REVIEWS

The Indiana Law of Future Interests, Descent and Wills. By Bernard C. Gavit. (1934. The Principia Press, Inc., Bloomington, Indiana. Pp. v-XLI + 1-461.)

This is not just another law book. Dean Gavit, in his inimitable style and his precise and careful method, has accomplished for the lawyers of Indiana a monumental task.

Hundreds of authorities in both Indiana and other states have been read, digested and classified. The statutes of this state relating to the subject matter have been analyzed and commented upon. Not only have the Indiana statutes been dealt with in such wise but also the New York statutes have had similar treatment, the Indiana law of the subject matter having followed very closely the statutory and case law of the older state.

Any lawyer of this jurisdiction who has to do with titles to real estate will find Dean Gavit's book indispensable, and the general practitioner who is called from time to time to draft wills, or construe them, cannot hope to have a sufficient understanding of the matter before him unless this book is at his hand.

The subject of the book is one that gets little attention from the average lawyer and yet is one that deserves careful understanding. This work points out how the common law concepts of future interests and tenures have, in many respects, been changed by the statutes of Indiana and by the interpretations of our courts.

The canons of descent set out by the common law no longer obtain here and it is in Dean Gavit's book that a complete understanding of the Indiana law of descent may be found. The profession should be indeed grateful to Dean Gavit for this work.

This reviewer knows of nowhere else one could go to learn the subject matter of the treatise.

To say what is the most important feature of the book is to say that it is all important, but this reviewer is particularly impressed by Dean Gavit's discussion of the Indiana Law of Future Interests and Uses. In addition to a learned and careful compilation of what courts and legislatures have said concerning the subject matter, the book contains the applicable statutes of both New York and Indiana in full, contains digests of Indiana cases on charitable trusts, and also digests the New York cases on future gifts to charity prior to 1893.

The work contains suggestions with reference to the drafting of wills which no lawyer who is called upon to draft a will, no matter how simple, can afford not to read.

²¹ Harper, on Torts, Sec. 233.

²² Civil Rights Cases (1883), 109 U. S. 3, 27 L. ed. 835.

This reviewer is extremely enthusiastic about this treatise and hopes that a work of this sort, so well done and so carefully compiled, will receive from the bar of this state the response which it so richly deserves.

Hammond, Indiana.

GLENN D. PETERS.