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

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REVIEWS

criticism of or discussion of the authorities that are cited in support of particular rules, nor is there much consideration of the correctness in law or the wisdom in policy of these rules in the law of insurance. The treatment is analytical and expository to the almost complete exclusion of a critical evaluation of the law itself. Thus the work is informational in character; it does not purport to do more.

As a reference work for lawyers it is likely to be very popular and wholly serviceable. It will give the practitioner ready reference to the point before him with some discussion of the rules of law involved and a dogmatic statement of the authorities. The critical evaluation of these authorities will be left for him to do. We now have Professor Vance's admirable little Hornbrook in this subject, but it has not been revised for many years. Professor Cooley's book should fill a real need in the profession and should be welcomed by the bar generally.


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.


The first thing to attract one about this little book is the name. Perhaps the name was unfortunately chosen since the book itself can hardly be called propaganda for the creation of ninety-nine year leases. The title may be somewhat explained by the fact that the author, Mr. Charles F. Pryor, of the Columbus, Ohio, bar, describes himself as a "Ninety-nine year lease broker." This book reflects a point of view which one would expect a broker in such leases to entertain. The temper of the text seems to be one of pointing out to the readers the great advantages of handling real estate on the basis of long term leases rather than sale of the fee. The author sets forth the statutory provisions in Ohio which give such leases about the same effect as the fee simple interest so far as the law of descent and the complete rights of ownership go. The main part of the book is given over to illustrative leases setting forth the several clauses and the different arrangements to be contained in such leases for the different classes of needs for which purchasers and sellers may wish to use them. These provisions seem well drawn and reasonably adapted to accomplish their purpose, although it seems to the reviewer that in most instances they are needlessly formal and verbose.

There is some little historical matter in the book with critical information upon the matter of lease-hold interests. It is not likely that this part of the work will be useful. As to the nature of the makeup, between the pages of reading matter there are blank sheets of paper throughout the entire book. The purpose of these blank sheets is not disclosed in the preface and the reviewer confesses that it is not obvious to him. Undoubtedly transactions in the field of real estate will be increasingly handled on long term leases; this book will be useful to the lawyer or real estate dealer who is not familiar with this tendency and who wishes the Ohio statutes and convenient forms for the making of long term leases.

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