

*v. Burbank*;<sup>4</sup> *Halfpenny v. Ballet*;<sup>5</sup> *Butcher v. Stapely*,<sup>6</sup> *Denton v. Stewart*,<sup>7</sup> *Goss v. Lord Nugent*,<sup>8</sup> *Bain v. Fothergil*,<sup>9</sup> *Tilley v. Thomas*,<sup>10</sup> and *Tulk v. Moxhay*,<sup>11</sup> so vitally important in the development of the law of Real Property, are properly included in their necessary respective places.

The volume consists of cases, (and our New Jersey courts are well represented) digests, queries, forms, ample annotations, and informal text notes covering the well-settled doctrines which are not readily susceptible to case method handling. In this way considerable space and time are saved so that topics which formerly occupied considerable classroom time in their several courses can now be taught in a single course in one semester.

The notes, annotations and questions are of such scope and character as to give the volume an appeal even to the busy practical lawyer. The viewpoint is fresh and forward looking. The author has succeeded, for the student, in lifting the subject out of the museum and in gearing it up to the pace and needs of an everyday social intercourse. It is my belief that this is the type of book which will soon be in common use in modern law schools.

NEWARK, N. J.

WILLIAM E. SANDMEYER.

CASES AND MATERIALS ON THE LAW OF TRUSTS AND ESTATES. By Richard R. Powell. Columbia University. New York: West Publishing Company, 1933, pp. 1025.

Professor Powell's work is very modest in its title, as we have in this volume a very comprehensive treatise on the law of trusts, future interests and wills; the author having found it necessary to treat all three of those subjects because of their interlocking interests.

The work is divided into three parts, the first of which devotes itself to a rapid but very comprehensive review of the historical origin of intestate succession and the development of testamentary disposition with a conflict between the law courts and Parliament and the ecclesiastical courts, bringing us up to the present understanding of the right of disposition of property, real and personal.

In this section also the author has a very interesting philosophical and practical discussion of the facts and trends in current American life, in which is considered the distribution of wealth in our Country and the frequency and effectiveness of testamentary dispositions. Here also is considered and discussed the rise and development of the trust company; and the burning controversy concerning the encroachment of trust companies on a field which lawyers have always felt belonged to them. The effect of taxation on estates is discussed with helpful suggestions to the student in drafting wills and trust agreements; even

<sup>4</sup> 12 Allen 459 (Mass.); 90 Am. Dec. 161 (Sup. Ct. 1866)

<sup>5</sup> 2 Vern. 373; 23 Eng. Rep. 836 (Ch. 1699)

<sup>6</sup> 1 Vern. 363; 23 Eng. Rep. 524 (Ch. 1685)

<sup>7</sup> 1 Cox Eq. 258; 29 Eng. Rep. 524 (Ch. 1786)

<sup>8</sup> 5 B. & Ad. 57; 110 Eng. Rep. 713 (K. B. 1833)

<sup>9</sup> L. R. 7 H. L. (E. & I. App) 158 (H. L. 1874)

<sup>10</sup> L. R. 3 Ch. App. 61 (Ct. of Appeal, 1867)

<sup>11</sup> 2 Ph. 774; 41 Eng. Rep. 1143 (Ct. of Chancery, 1848)

the very modern life insurance trust is discussed and a form of such trust is given.

Part two devotes itself to the disposition of property, and here trusts of all kinds are considered with an extremely practical treatise on the law of wills, considering even the question of the capacity of the testator, the formality of the execution of the instrument, the attestation by the witnesses, the matter of undue influence and fraud; and all such practical matters as one would expect to find only in a treatise of the law of wills. Here also is the discussion of remedies other than the denial of probate or the establishment of constructive trusts; and all questions not common in practice relating to mistake by the testator, conditions arising therefrom, and the various forms of revocation.

Part three takes up the interpretation of wills particularly as to the trusts created thereby, which the author has always particularly in mind; and the subject of precatory trusts is well discussed. In this section the author arrives at his subject of future interests, which was the goal he had in mind. The discussion of remainders vested, contingent and executory, left in the conveyor or given to others, the rights of reverter and reversion, and powers of appointment are ably and clearly set forth. The rule in Shelley's case finds its place and explanation, without doubt as to its meaning or application, as well as the very refined distinction as to definite or indefinite failure of issue.

The chapter of this part of the book relating to dispositions to a class and to heirs or next-of-kin, which is often a stumbling block in the construction of wills, is admirable and helpful.

Within these thousand odd pages, Professor Powell has given us a great deal of useful legal information, not only theoretical but practical.

NEWARK, N. J.

DANIEL L. CAMPBELL.

THE NEW JERSEY LAW OF EVIDENCE. By Frank G. Turner. New York: Clark Boardman, Ltd., 1933. pp. lxxx, 464.

Progress in law-book publication is strikingly attested by the contrast between the work entitled "New Jersey Law of Evidence," by Frank G. Turner, which came out in 1913, and "Turner's New Jersey Evidence," which has just issued from the press. The earlier work contained a two-page "Table of Contents," a four-and-a-half page "Index," and about 260 pages of text, making a total of 267 pages. The present volume, extremely good-looking and well printed, with a thirty-nine page "Index," a fifty-nine page "Table of Cases," and 423 pages of text, totals 540 pages. Yet the two books are substantially identical in all essentials, excepting the annotation of cases subsequent to 1913 in the later book.

The present work is divisible into two parts. The first sets forth the Evidence Act and a number of conveniently related enactments, with annotations of cases and case-rulings under each section. The second part consists of a series of chapters each entitled with one of the familiar main headings or divisions of the subject and devoted to a statement of the case-law of New Jersey pertaining to its title, with foot-note citations of supporting cases. The author's annotations to the Evidence Act have defects of both commission and omission. For instance, the author nearly always reproduces verbatim the language of the case-syllabus itself without attempting to condense the ruling or to restate it, although invari-