

BOOK REVIEWS.

PENNSYLVANIA LAW OF GUARDIANS. WILLIAM TRICKETT, LL. D. Philadelphia: Published by T. and J. W. Johnson & Co. 1900.

A sound treatise of the law of guardians, adapted for practice in Pennsylvania, has just been written by William Trickett, Dean of the Dickinson School of Law. The book is thoroughly practical. It is intended for the use of guardians as well as lawyers. A great portion of its matter consists of a statement of the procedure in the Orphans' Court to carry out the duties and enforce the liabilities of guardians. It is based on statutes and cases. Frequently their facts are stated in the text or in the notes. The statutes are treated with great clearness. Each section bearing on a point is given *verbatim*. Its analogy, if any, with English statutory law is briefly noted. In several instances are given the facts which must exist in order to render a statute operative. It is then viewed in the light of adjudications. Common law rules, unchanged by statute, are pointed out. The right of an infant of fourteen years or over to choose a guardian, subject only to the power of the Orphans' Court to prevent an improper selection, is shown by passages from Blackstone and Kent to be analogous to the right possessed by wards in England in the last century to oust guardians for nurture or in the socage, and choose others of their own selection.

The work, as a whole, is admirably planned. The subject proper is treated in thirty-six chapters. Each chapter is divided into sections, the gist of which is suggested by a sentence in heavy type at the head. Such an arrangement greatly facilitates reference work. The chapter entitled "Removal of Guardians" well illustrates the author's method. First is given the statutory provision for removal. Then follow decisions as to classes of guardians removable, and the causes covered by the statute. Second, the procedure to obtain dismissal, the qualifications of the petitioners, the effect of removal, the enforcement of the order, and right of appeal.

Chapters of interest are those which relate to the apprenticing of the child under the old acts of 1713 and 1770 and as modified by later legislation, which prescribe the duties of the guardian as to special assets; and which provide for the sale of real estate under the Price Act, April 18, 1853. The last subject is treated in an especially thorough and instructive way.

The practical value of the book is much increased by a special chapter on Forms, compiled by Professor Sylvester B. Sadler.

The index is complete. A feature is a chronological list of Acts of Assembly bearing on this subject, dating from 1713 to 1899.

THE LAW OF WILLS. By H. C. UNDERHILL, of the New York Bar. Chicago: T. H. Flood & Co., 1900.

To the older members of the bar, Jarman will always be the leading authority on the subject of Wills. This subject, however, is of such complexity, owing to the eagerness with which the courts welcomed and embraced any opportunity for a departure from the strict rules and technicalities of the statutes, both of Frauds and of Wills, that to the younger members of the profession all authorities are most welcome. Indeed, any work, provided it present a new view, or view under another phase, the ever-recurring problems of testators' intentions and testamentary gifts and devises, is carefully scanned. The work before us is an authority in the most comprehensive sense of the term; it contains all the latest cases on the subject and gives due prominence to the American cases, while neither omitting nor intentionally passing over the older English authorities. Two large volumes well arranged and carefully indexed, contain not only the law of Wills but also the law on cognate subjects, such as *gifts mortis causa* and those doctrines of Equity and the rules of the law of Real Property most frequently applicable to testamentary dispositions of property.

To be more precise, as the author himself states in the preface, the first volume is devoted to the various subjects which deal more particularly with the law of Wills, so that the composite whole makes up a very good treatise on the subject, while in the second volume we find Equitable Satisfaction and Election. The first volume is therefore of more particular value to the student; the second constitutes a book of ready reference for the practitioner.

We note with satisfaction, in these days of broken wills, the length of the chapter on Testamentary Capacity, while Fraud and Undue Influence justly merits a chapter to itself. Incorporation by Reference as well as Revocation deserve more attention at the author's hands. A table of contents is annexed to Volume I as well as to Volume II, a great help this to a busy lawyer. The index and table of cases is most complete. Mr. Underhill, in this as well as in his works on that other subject of great complexity, Evidence, has made the profession his debtor.

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