

Book Review

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Book Review

THE CONTEST OF WILLS IN MARYLAND. By Philip L. Sykes. Washington. The Washington Law Book Co., 1941. Pp. 411.

In recent years great numbers of books have been written which consider various branches of the law, and which are confined in scope to a particular jurisdiction. Most of such works are more or less useful to the legal profession in that they provide a readily accessible source of basic material, authorities, and information. Occasionally such works serve greater purposes than as mere source books, and indicate a scholarship giving them a broader value. The book under consideration is definitely in the latter category.

It is rare that a single treatise in any given field satisfies the two principal requirements of those engaged in the law. The lawyer and the judge, primarily, want to know generally what the law is in connection with a particular factual situation. Our judicial system operates because there are established methods of putting the legal machine in motion and of making substantive law work. The lawyer must not only find the law; it is imperative that having found it, he also know what to do next. Judge Sykes, in his masterful recent work, *The Contest of Wills In Maryland*, supplies clear and useful paths to be followed. The author not only concisely and accurately collects, correlates, and summarizes the many judicial decisions on the various phases of this complex subject, but he also, with great facility and keen realism, clearly maps out its adjective or procedural side.

The general subject of Wills and of Will Contests is almost as old as man's natural desire to designate the recipients of what he cannot take with him. In Maryland, as Judge Sykes points out in the Preface, there is a recorded decision in a will contest preceding the Declaration of Independence. And, since that time, there has been a steady flow of such cases before the Court of Appeals of the state. The author carefully considers almost four hundred decisions of the Maryland Court of Appeals relat-

ing to will contests. The importance of this work to the bench and bar, casting so much light on a subject that has always been so fruitful a source of nisi prius and appellate litigation, is readily apparent.

The book is logically planned, and covers a will case from beginning to end, with complete annotations and forms. It fully explains how, when, and by whom a caveat may be filed, and how such cases are tried. The raising and trial of various issues in such cases are clearly explained, and the applicable rules of evidence are outlined. It is especially complete in its consideration of those vague and perplexing legal concepts so intimately interwoven with the subject of Wills, namely, undue influence, fraud, and mental incapacity; and the textual matter on these topics covers a substantial part of the book. It is manifestly impossible and unnecessary to define such phrases as undue influence and mental capacity as abstract propositions. Judge Sykes, who is the Chief Judge of the Orphans' Court of Baltimore City, evidently desired to make the book a useful tool in the hands of the lawyer, and he has admirably succeeded by analyzing these concepts as they are related to particular sets of facts, and by avoiding hornbook generalities.

The presence of drawings, photographs or diagrams in a legal text would be generally considered most unorthodox. However, their value and clarifying utility is universally admitted in other fields. In the law, the legal form is the nearest equivalent of the pictorial illustration. For the legal form is law in motion; it succinctly crystallizes the law as it appears in action. A complete array of forms on a given subject, in proper sequence, is a panoramic view of that subject in operation. Judge Sykes has exhaustively collected and annotated numerous forms both of prayers and pleadings in will cases.¹ These forms have been admirably phrased and follow a complete plan; many of them give evidence of great labor and scholarship. There are over a hundred pages of such forms in the book, and they cover all conceivable aspects of the subject. It is needless to say how much the author has done to lighten the lawyer's task.

The book will undoubtedly, as time goes on, standardize practice in Maryland in this field of litigation, and it will

¹ Judge Sykes has also more recently published, through the same publisher, a separate book entitled: *Probate Forms in Maryland, Annotated*, pp. 781.

unquestionably serve to raise even higher the standards of legal workmanship of the bar. The standard maintained by Judge Sykes, it may be hoped, will be equalled in other Maryland treatises on other subjects of the law. Lawyers, Judges and students will always both appreciate and require such a book as this one.

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