

## BOOK REVIEWS

**PROBLEMS IN PROBATE LAWS: MODEL PROBATE CODE.** Lewis M. Simes and Paul E. Basye. Michigan Legal Studies. The University of Michigan Press, 1946. Pp. LI, 782. \$10.00.

This book consists of two main parts: the first is a Model Probate Code with comments containing the rationale of the important sections prepared by the Model Probate Code Committee of the American Bar Association; the second is a series of monographs on various aspects and problems of probate law by Professors Lewis M. Simes and Paul E. Basye. A summary of existing American statutes of important questions dealt with in the Code are compiled in the appendix.

The Model Probate Code is a careful codification of American Probate law which is improved at certain points to the end that the current demands for clarity, coherence, efficiency and economy in the probate system may be answered. Among those improvements are those found in the provisions relating to probate court organization, initiation of administration without notice, time schedule for speedy administration, dispensing with administration, provisions which insure only one contest to wills, reduction in the number of appeals, and ancillary administration. A noteworthy feature of the Code is that it is a complete compilation not only of procedural but likewise of substantive probate law; it contains a designation of the shares which the heirs take in the inheritance of a decedent. Besides this, the kindred law on guardianship is incorporated in the Code.

The five monographs on probate law problems are the result of exhaustive research on the important aspects of probate law which were considered by the makers of the Code. They serve as masterful explanations therefor.

In this jurisdiction, we have had in the past a prolific number of litigations engendered in the field of probate. This fact, coupled with the recent revision of the Civil Code on the law of descent are strong arguments why the Philippines should join in the extensive movement for codification and reform of probate law currently going on in many states. While a comparative study between the Model Probate Code and our law on the subject will reveal many similarities in their provisions, much more advanced improvements on probate law are to be found in the former. This book will be of invaluable assistance in the drafting of a probate code for the Philippines since it is so worded as to admit of modification to suit local conditions.

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