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Book Review

Andrew R. Field

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Criminal Manual, 4th Edition, published by Banks-Baldwin Law Publishing Co.

Skuel's Ohio Appellate Law, Practice, and Forms will prove to be a book of inestimable value for the bench and bar for many years to come.

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*Reviewed by Andrew R. Field**

ESTATES IN EXPECTANCY. By Harold Klorfein. Published by Simmons-Boardman Publishing Corporation, New York, N. Y., 83 pp.; 1958.

Estates in Expectancy deals with the subject of future estates, which embraces reversions, remainders (vested and contingent), and shifting and springing uses; the latter two also known as executory interests.

This book by Harold Klorfein, Professor of Law at New York Law School, was written primarily for the student and to present to him "as simply, clearly, and concisely as possible" the basic principles of the law as it pertains to future estates. It is anticipated that the use of the book will be primarily as an aid in the study of the law from case material. It is not intended to afford an exhaustive study of a particular topic or of the subject itself. This limited work does in fact accomplish its expressed purpose.

Briefly, the author reviews the nature and quality of estates, both legal and equitable; the historical growth of future estates and their relation to modern law; the creation and exercise of powers, and the types and duration of trusts, both of which may affect the validity of future estates; and the rule against perpetuities.

Unfortunately, references to future estates, "The Rule in Shelley's Case," the Statute of Uses and Wills, and the Rule Against Perpetuities generally suffice to instill in many students

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a desire to pass on to some other subject, or to dismiss much of it as "ancient verbiage." It is true that the common law as to future interests has been, by statute, considerably modified in most states today. However, this "ancient verbiage" is substantially the early law of those states founded on the English common law. Ignorance of this verbiage will prevent complete understanding of modern concepts.

The author, in reviewing the historical growth of the common law as to future estates, not only establishes the foundation for an understanding of related modern legal and equitable concepts but, what the reviewer feels is equally important, orients the student in this phase of the law and provides him with legal perspective. To illustrate: the Statute of Uses of 1535 is said to be the turning point in the law of future interests. The author clearly relates the steps leading up to the statute, the reason for its existence, its function, and its results. Then, by comparison, the modern day principles which find their basis in the Statute of Uses are explained. If the student will digest this statute and its ramifications, he will be well on the road, both as to approach and terminology, toward an understanding and an appreciation of the related phases encountered in the modern law of real property and trusts. One is unavoidably confronted with the realization that those "Uses" which the statute does not execute (exceptions to the Statute of Uses) sired the law of trusts as we know it today. It is by this approach, and by factual illustrations, that the student becomes oriented and obtains that legal perspective essential before the modern law can be understood, let alone appreciated.

A large portion of the book is devoted to New York statutory law, but the parallel with other states' laws is clear. However, the reviewer recommends the book primarily for the lucid overall picture it presents. It will enable the reader to quickly grasp the nature of future interests in the law today, and its effect on related subjects.