

should turn on a semantic distinction. However, the author clearly demonstrates that such verbal distinctions may have practical significance, as in dealing with the problem of what to do with the man who has used the "law" of a Nazi-like regime for his own ends.

The book is an expanded version of the author's Storrs lectures on jurisprudence given at the Yale Law School in 1963, and this no doubt accounts for the pleasantly informal, yet lucid style in which the book is written. Professor Fuller is not one to define his topic with a pedantic narrowness, and this review cannot do justice to the many interesting results which the author achieves during his discussion of the ramifications and applications of his argument. It is a good book, whatever judgment must finally be made about the cogency of its arguments, and this reviewer's predominant feeling upon finishing it was one of regret that so fascinating a subject as philosophy of law has not been kept in the philosophy departments on an equal footing with philosophy of science.

ROBERT BINKLEY\*

WILLS AND ADMINISTRATION OF ESTATES IN NORTH CAROLINA. By Norman Adrian Wiggins.<sup>1</sup> Atlanta: The Harrison Company, 1965. Two Vols., Pp. 1418.

Professor Wiggins has fulfilled a need of the legal profession, the court, the estate planner, trust officer, executor, administrator, and guardian in the publication of *Wills and Administration of Estates in North Carolina*. Although his subject does not lend itself to the writing style of an Ellery Queen, Professor Wiggins' concise and comprehensive presentation evidences his qualifications as an author in this field. As a bank trust officer, he received practical experience in those matters of which he writes. As a member of the faculty of the School of Law of Wake Forest College, he teaches courses in Wills, Estate Planning and Taxation. He served on a committee of the North Carolina General Statutes Commission to draft recommended legislation for the revision and improvement of the probate laws of the state. Because of his work on this Commission, Professor Wiggins' discussion of the Intestate Succession Act of 1959 will be especially helpful to North Carolina lawyers. Indeed, his treatment of the act constitutes a highlight of this work.

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After a brief introduction to the history and development of wills in England and North Carolina in Volume One, Professor Wiggins restates those general principles which are essential to the practicing attorney. The author proceeds to cover definitively such specifics as holographic and noncupative wills, testamentary capacity, undue influence, fraud, mistake, execution of written and attested wills, attestation, revocation, revival of revoked wills, construction, probate, legacies and devises, homestead and year's allowance, descent and distribution, elective life estate, acts of misconduct barring property rights and executors and administrators. Volume Two contains nine chapters dealing with management of estates, sales by representatives, estate and trust problems created by testamentary disposition, guardian and ward, North Carolina inheritance tax, and federal estate and gift tax. Additionally, this volume contains fifty-eight forms which the practitioner will use extensively whether drafting simple wills or the more complex insurance and trust agreements.

In Chapter XIV, "Protection of the Surviving Spouse—Dissent from Will," Professor Wiggins concludes that the probable effect of Article X, Section 6, of the North Carolina Constitution, as amended in January, 1964, was to restore the husband's right to dissent from his spouse's will as it existed prior to *Dudley v. Staton*.<sup>2</sup> However, he suggests that consideration should be given to the reenactment of the law of dissent as a precautionary measure. The General Statutes Commission has prepared appropriate legislation for enactment by the 1965 General Assembly to implement this suggestion.

The author deals deftly and realistically with the problems confronting executors and administrators in the administration of estates. For example, he stresses the need to streamline the administration of small estates:

The laws governing guardianships are so ponderous, inflexible, and time consuming that the protection given to the small guardianship account is completely disproportionate to the expense incurred in administration. Court and administration costs and legal fees, while necessary and reasonable, can literally liquidate a small guardianship fund.<sup>3</sup>

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<sup>2</sup> 257 N.C. 572, 126 S.E.2d 590 (1962).

<sup>3</sup> 1 WIGGINS, WILLS AND ADMINISTRATION OF ESTATES IN NORTH CAROLINA § 222, at 671-72.

Certainly fiduciaries, court officials, attorneys and, more importantly, wards, will endorse Professor Wiggins' observation that the interest of the ward, in a majority of cases, would be better served if the funds in small estates were paid directly to the surviving parent.

In North Carolina, there has been a rapid increase in the number of estates which are subject to the federal estate tax. Therefore, Professor Wiggins' discussion of the subject will prove especially helpful to those attorneys who have not specialized in this area of law. The clear, orderly and straightforward presentation of Chapter XX, "Management of Estates," is typical of the competence and thoroughness the author applies throughout this treatise.

The text is printed in large, clear type for easy reading. The subject indexes contained in both volumes are excellent, as are the footnotes and table of cases.

The author has rendered the courts, the legal profession and the public a unique service in the preparation of this comprehensive work, which brings together the appropriate statutory and case law of wills, intestate succession and the administration of decedent's estates in North Carolina. Professor Wiggins, in his preface, states that this study seeks to accomplish two basic objectives: first, to bring together the appropriate statutory and case law on the subject, with special emphasis being placed on an analysis of the legislative changes which have been adopted recently in North Carolina; second, to spotlight those specimens of antiquity in the present law which impede the functioning of the probate court and the settlement of estates, and to offer suggested changes. Not only has the Professor attained his objectives, but he "gives, devises and bequeaths to his readers" the benefit of his exhaustive research.

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