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## Book Review

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## BOOK REVIEW

PENNSYLVANIA FIDUCIARY GUIDE by George L. Haskins and M. Paul Smith.

Where once the law of this Commonwealth relating to the administration of decedents' estates represented a legalistic jungle because of the complexities occasioned by the retention of archaic English requirements, its modern day counterpart manifests a workable design for understanding and application. The credit for this evolution must in great part be given to the work of the Decedents' Estates Advisory Committee of the Joint State Government Commission, under whose aegis the most recent enactments in this area have been proposed.

M. Paul Smith, one of the most active of that group, is a co-author of this work. He has contributed much toward bringing order out of the chaos both in his work on the committee and as editor of both the *Fiduciary Reporter* and the *Fiduciary Review*. Now in a book entitled *Pennsylvania Fiduciary Guide* Mr. Smith and George L. Haskins, Professor of Law at the University of Pennsylvania Law School, have combined their prodigious talents to produce a work which can further aid the bench and bar as well as all persons who practice in this field.

In the Foreword the authors point out that "this handbook is intended to serve as a guide, not a manual, in dealing with the everyday problems which arise in the settlement of a decedent's estate." They declare that

"\* \* \* The purpose of the book is three-fold: first, to provide a general description of the steps in the administration of a decedent's estate; second, to supply a compendium of the duties and responsibilities of the personal representative; third, through citations and other references, to indicate where further discussion of specific problems may be found. \* \* \*"

Though the authors admonish the reader that as Mr. Justice Holmes said, to generalize is to omit and that there are "consequently many omissions in the book," this reviewer recognizes that the work has the panoramic scope which Mr. Justice Holmes equated to legal research.

The Table of Contents illustrates that the guide will lend itself to almost immediate application to the Fiduciaries Act of April 18, 1949, P. L. 512. It further manifests the authors' concern with the pitfalls into which our brethren often fall as a result of ignorance of tax law, both State and Federal.

In the latter case, this reviewer finds that the maze of law surrounding the Federal Estate Tax area is reduced to the greatest degree of simplicity possible by way of the text and the several appendices of the work.

Also included in the Appendix is an Attorneys' Check List of Executors' Duties, which, if followed, can aid in realizing the goal of both the bench and bar—namely, orderly and prompt administration of decedents' estates.

The guide is not the cryptic digest of Hunter's Orphans' Court Commonplace work nor is it a text of the type of Remick, but rather combines the qualities of both. For example, chapter 10 of the present work discusses Survival, Abatement and Control of Actions. In four and one-half pages the authors have presented all of the problems pertinent thereto in a most enlightening fashion. After a discussion of the differences between survival and wrongful death actions, a table is presented for the enlightenment of the reader which resolves any doubts in the minds of the practitioner. The table reads as follows:

|   | <i>Survival Action</i>   | <i>Death Action</i>  |
|---|--|--|
| 1. Who may bring the action.                    | The personal representative of the decedent. Fid. Act of 1949, §§ 601, 603.  | The personal representative of the decedent or, if no action is brought within six months, then the surviving spouse, parents or children. Pa. Rules of Civil Proc. 2202; 12 P. S. 1602.       |
| 2. For whose benefit may the action be brought. | Decedent's estate, Fid. Act of 1949, §§ 601, 603.  | Surviving spouse, children or parents, according to intestate shares. <sup>4</sup>   |
| 3. Measure of damages.                          | Economic value of decedent's life measured by likely earnings during life expectancy, pain and suffering, loss of earnings, expenses of treatment. <i>Pezzulli v. D'Ambrosia</i> , 344 Pa. 643 (1942). | Present worth of deceased's probable earnings for probable duration of his life. <i>Gaydos v. Domabyl</i> , 301 Pa. 523 (1930). Also, hospital, medical and funeral expenses. 12 P. S. § 1604. |
| 4. Rights of decedent's creditors.              | Amount recovered becomes part of decedent's estate and may be reached by creditors. <i>Patton v. Baltimore &amp; Ohio Ry. Co.</i> , 197 F.2d 732 (1952).   | No rights to any part of amount recovered. 12 P. S. § 1602; <i>Lucabaugh Estate</i> , 74 D. & C. 68, 75 (1949).  |
| 5. Statute of Limitations.                      | Two years from the time of injury. <i>Stegner v. Fenton</i> , 351 Pa. 292 (1945).  | One year. 12 P. S. § 1603.   |
| 6. Pa. Inheritance Tax.                         | Subject to tax. <i>Davis' Estate</i> , 56 D. & C. 359 (1946).  | Not subject to tax.  |

<sup>4</sup> If none of those entitled survives the decedent, the personal representative may recover reasonable hospital, medical and funeral expenses and expenses of administration necessitated by reason of injuries causing death. 12 P. S. § 1602.

The reviewer is familiar with the effort which was exerted in the preparation of this work. The product of that endeavor serves as its own testimonial to the obvious thoroughness of the authors.

As the Honorable Hugh C. Boyle, President Judge of the Orphans' Court of Allegheny County, has said:

"This scholarly work is an indispensable tool for every lawyer in the Commonwealth."

This reviewer offers his congratulations for a very welcome guide.

RALPH S. SNYDER.\*

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\* Deputy Attorney General, Commonwealth of Pennsylvania.

