

Someday All This Will Be Yours: A History of Inheritance and Old Age**Hendrik Hartog****Harvard University Press, Cambridge, 2012. 368 pp., index. \$31 hardcover.****DOI: <http://dx.doi.org/10.14713/njs.v1i1.2>**

This book is a legal and cultural history of inheritance and old age, of how before pensions and social security the elderly used the promise of leaving their property to caregivers to ensure that they did not end up alone, or worse still in the poor house. It looks at law cases from 1840 to 1950 that arose because of promises not fulfilled, later denied, or contested by relatives, and discusses how social and economic changes (producing a more mobile population) impacted the elderly and those who cared for them. The book stops in 1950 when pension plans, Social Security (and later Medicare and Medicaid), lengthened longevity, and commercialized care (nursing homes and assisted living communities), all contributed to a society in which care was no longer dependent on family, even broadly defined.

Hartog notes that while he could have used the records of another state to trace the changes discussed, he selected 200 New Jersey cases as the basis of his research. The people who were caught up in these cases lived in Plainfield, Trenton, Cape May, Harmony (which proved anything but harmonious, as that case included an unsolved murder) and places in between. The stories about real people drawn from the cases are fascinating. “Come live with me and you can have my house or farm,” people promised. This was fine except when, as sometimes happened, the person remarried and changed their will, or died before signing it. Many of the cases went to the Court of Equity designed centuries earlier in England to mediate in cases where a strict enforcement of the common law could lead to injustice, leaving to judges the task of figuring out what was fair in a complex situation. The judges in these cases set or modified precedent as they dealt with such issues as what constituted a family member (who provided expected care out of love), a binding agreement (the Statute of Frauds required land transfers to

be made in writing, not orally), or undue influence (producing a changed will). In the period examined, expected gender roles were important. Nursing care given by a male in the household was more likely to count as deserving of compensation in property or back wages, but this was seen as part of a woman's household work and therefore usually ineligible. Sometimes the reader will cheer the judges' decisions, and other times cringe at what appears unfair. Thus in the Harmony case, the wife and daughter of the murdered man were evicted from his father's estate and never reimbursed for improvements. Seventeen years later, after a series of trials, they finally won, only to have the payment apparently applied to the debts he owed his brother (a suspect in the murder).

The cases in this book are filled with drama, often sad, endlessly interesting. While reading them one gains a sense of how New Jersey, along with much of the rest of the United States, changed over the course of a century. Also provided are lessons on the operation of the New Jersey court system, important legal doctrines, and how they impacted everyday life. Testators freedom means a person can change their will -- many times. The book ends by asking if, and then how, our world is different from the past. Hartog's tentative answers are thought-provoking.

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