6. The disposal of property on death

Complete Equity and Trusts: Text, Cases, and Materials (5th edn)
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Titles in the Complete series combine extracts from a wide range of primary materials with clear explanatory text to provide readers with a complete introductory resource. This chapter on the disposal of property on death discusses the following: the general characteristics of wills; the doctrine of incorporation by reference; the origins of the secret trust; the difference between fully and half-secret trusts; the three elements of a secret trust: intention, communication, and acquiescence; mutual wills; donatio mortis causa (death-bed gifts); and the rule in Strong v Bird. All four of these doctrines provide exceptions to the strict rules governing wills and provide another example of equity mitigating the harshness of the law.

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