

**Basket Vs. Hassell**

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**SooperKanoon Citation :** [sooperkanoon.com/84531](http://sooperkanoon.com/84531)

**Court :** US Supreme Court

**Decided On :** Apr-16-1883

**Appeal No. :** 108 U.S. 267

**Appellant :** Basket

**Respondent :** Hassell

**Judgement :**

Basket v. Hassell - 108 U.S. 267 (1883)

U.S. Supreme Court Basket v. Hassell, 108 U.S. 267 (1883)

**Basket v. Hassell**

**Decided April 16, 1883**

**108 U.S. 267**

*APPEAL FROM THE CIRCUIT COURT OF THE UNITED*

*STATES FOR THE DISTRICT OF INDIANA*

**SYLLABUS**

The attempted transfer of a certificate of deposit on the donor's death-bed, reported in *Basket v. Hassell*, [107 U. S. 602](#) , cannot be enforced here as a will of personalty, because such will does not take effect under the statutes of Tennessee until probate.

Motion for a rehearing. The case was decided at October term, 1882, and is reported [107 U. S. 107](#) U.S. 602.

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MR. JUSTICE MATTHEWS delivered the opinion of the Court.

It is now urged that the endorsement and delivery of the certificate of deposit, if void as a gift *mortis causa*, is nevertheless good as a will of personalty under the laws of Tennessee, and, passing the title as such, entitled the appellant to a decree for the payment of the money.

But the conclusion is not justified by the assumption, for a will of personalty in Tennessee does not take effect until probate, Statutes of Tennessee, 1871, 2169; *Suggett v. Kitchell*, 6 Yerger 425; and until probate, and the appointment of an executor or an administrator *cum testamento annexo*, the title to the fund passes to the administrator appointed previously, as in case of intestacy, to whom the decree in this case awarded it.

*The petition is therefore denied.*