

Book Reviews

STUDIES IN THE LAW OF TORTS. By *Francis H. Bohlen*, Langdell Professor of Law Harvard University, pp.viii and 699. Indianapolis: Bobbs-Merrill Company, 1926.

The book consists of fifteen articles by Professor Bohlen, published in various legal periodicals during the last quarter century, and dealing with various topics of more than usual interest in the Law of Torts. In the main the subjects treated are broad questions of Tort liability, such for example as "The Rule in *Rylands v. Fletcher*"; "The Basis of Affirmative Obligations in the Law of Tort," and "The Moral Duty to Aid Others as a Basis of Tort Liability." The author recognizes in his preface that "there is much in these articles, particularly the earlier of them, which today may seem out of date," but he also states that "if this collection has value, a part of it lies in the fact that it shows the changing view of a changing and developing subject of one who has devoted the longer part of his professional life to its study." Certainly it is not too much to say also that the author as the result of this long labor; of which these articles are the select point, has contributed to this growth and development as much as any worker in that field. The articles are familiar to all teachers of Torts, and while the subject matter has heretofore been available to those who have access to large law libraries, this volume now makes them available to others. Unfortunately, the average practitioner seldom explores the rich territory of the legal periodical, and the same is true to a less extent of the courts, particularly of trial courts. This practice might well be, and to some extent is being, changed, with resulting profit to the lawyers, the client, the court and the law. This book should assist in bringing to the attention of those not now familiar with them the most scientific and thorough researches in the law in our time.

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THE ELEMENTS OF A CONTRACT. By *Victor Morawetz*, pp. xii and 167. Published for the author by the Columbia University Press, New York, 1926.

As a member of the American Law Institute and of its Council, Mr. Morawetz wrote this book in the hope that it might be of some value to the Institute in its preparation of a restatement of the law of contracts. In his preface the author states that what is needed is not the history and sources of the law, but an analysis of current legal conceptions and a restatement of the existing law according to fact and reason. This work is not a full and accurate statement, but an aim to classify fundamental conceptions. In most cases only general principles are stated, without mention of limitations and modifications of them. There are no authorities cited.

In the early part of the book there is a statement and discussion of the fundamental general conceptions upon which the author thinks a restatement should be based. Mr. Morawetz takes issue on several points with the proposed restatement by the Institute. It is in this respect that the book is most interesting. The author says that we must try to get away from artificial conceptions which make the law unintelligible. But throughout the whole discussion there seems to be too much argument and dissention over definitions of words used. The ultimate should be uniform and exact thought. Too fine distinctions put one in a worse position than he was before, with no advancement toward a classification or simplification. The rest of the book deals with the