

11-1930

## The Law of Torts, by Thomas M. Cooley

Fowler Vincent Harper  
*Indiana University School of Law*

Follow this and additional works at: <https://www.repository.law.indiana.edu/ilj>



Part of the [Torts Commons](#)

### Recommended Citation

Harper, Fowler Vincent (1930) "The Law of Torts, by Thomas M. Cooley," *Indiana Law Journal*: Vol. 6 : Iss. 2 , Article 12.

Available at: <https://www.repository.law.indiana.edu/ilj/vol6/iss2/12>

This Book Review is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Law Journal* by an authorized editor of Digital Repository @ Maurer Law. For more information, please contact [rvaughan@indiana.edu](mailto:rvaughan@indiana.edu).



**JEROME HALL LAW LIBRARY**

INDIANA UNIVERSITY  
Maurer School of Law  
Bloomington

*The Law of Torts.* By Thomas M. Cooley. Revised Edition  
by Archibald H. Throckmorton. Callaghan & Company, 1930.

This is a one volume revised edition of Cooley's famous "Treatise on Torts." The book appears to be a much needed piece of work reasonably well done. As the editor himself suggests it is largely a re-writing of the original text. In the twenty some-odd years since the last edition great changes have taken place in this phase of the law and it would seem that nothing short of a complete re-statement of the original text would suffice. This has been undertaken by the editor with ability and diligence. The book is completely modern and the material is handled with skill and effectiveness. Advantage has been taken of the accumulation of scholarly investigations upon many problems of tort law during the last dozen years and frequent citations to these and to the periodical literature in general are to be found in the notes. The chapter on "Proximate Cause" appropriately inserted in the fore part of the book is a good illustration. The treatment of this tricky problem is about all that could be hoped for in an elementary book for students. Since

this is a highly controversial subject among scholars in this field it is not surprising that the editor's treatment will not conform to the notions of many writers. In the opinion of this reviewer the light thrown on the subject by Professor Green has not been sufficiently presented. With the exception of Green's contributions most of the classic essays on the subject have been exploited.

While the editor's arrangement of his material appears to be very commendable for the most part there are occasionally somewhat puzzling combinations of method. The sub-sections indicate a peculiar methodology. They appear as a hodge-podge of doctrinal and functional arrangement. Again, the chapter on "Proximate Cause" will illustrate. The editor starts with history, follows this by definition after which the following sequences of section headings appear: "Tests of Proximate Cause," "Damage for Spread of Fire," "Test for Foreseeability of Result," "Intervening Agency," "Subsequent Criminal or Wilful Act," "Act of Child as Intervening Cause," "Concurring Causes," "Contributory Negligence of Plaintiff," "Injury Sustained in Attempt to Save Life or Property Put in Peril by Defendant," "Damage from Concurrence from Human Fault and Act of God," etc. While perfectly familiar to every student of tort law this order or division of the problem suggests a point of view not quite clear cut so far as method is concerned.

This book will no doubt be of great assistance to teachers, students and practitioners. It is without doubt the best elementary book available on the subject for American lawyers. It is handy and usable, it contains a good index and a complete table of cases. It contains occasional references to the restatement of the law of torts of the American Law Institute. It is recommended to all who are interested in the subject.

FOWLER VINCENT HARPER.

Indiana University Law School.