

being to give effect to the intent of the contracting parties." They may be terminated in various ways. These are enumerated and major attention given to the *clausula rebus sic stantibus* by which a treaty may be considered as abrogated when material circumstances on which it rests change, and to the effect of war on treaties. Our courts refuse to hold that treaties are extinguished, ipso facto, by war. The general formula of the old writers no longer suffices: the courts regard each treaty as entitled to special treatment on its own merits.

In a final chapter, entitled Remedial Measures Falling Short of War, the author devotes two pages to arbitration, one page to non-intercourse and embargo, and three pages to retaliation and reprisals. These points have been dwelt upon in only a few of the cases, hence the treatment is necessarily brief.

In reading the volume, one feels that it would have been better for the author to have included more of the case facts. Not only would it have added interest and clarity, but it would have given the reader a better understanding of the law. This seems all the more necessary since the courts regard the law of a case as applicable only to the particular facts under litigation.

The volume merits the attention of all students of the social sciences who desire a cursory legal summary of the principles governing the relations of states in time of peace. It will be of little use to practicing lawyers who have access to Corpus Juris or R. C. L. The volume is a disappointment in view of Dean Pergler's training and experience.

JOHN G. HERVEY.

Associate Dean,  
Temple University Law School.

*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.

*Cases on Torts* (3rd edition). By Francis H. Bohlen. Bobbs-Merrill Company, Indianapolis, Indiana, 1930.

Little need be said about the merits of this, without doubt, the best case book available upon the law of torts. The development of the subject during so brief a period as the five years since the last edition is justification for the present volume.

In addition to a number of new cases the editor has made some slight rearrangement of his material, chiefly in the chapter on "Negligence." Some changes in the order of arrangement is to be noticed. Professor Bohlen believes that the general direction of the development of tort law has been from liability for damage regardless of innocence, to that based upon moral culpability or at least social fault. In view of these convictions, he has appropriately provided a section of cases supposed to demonstrate this progress. He has injected this chapter as he declares