



A Summary of Torts

Frank A. Erwin

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THIS book presents in brief and excellent form the general principles of the law of Torts. The industry and judgment of the author are apparent, not in the matter of the work, which is almost wholly non-original, but in the choice and arrangement of the material. Almost every statement is quoted verbatim, with appropriate quotation-marks and references, from decisions in leading cases or the commentaries of well-known authors. One might expect to find the effect thus produced fragmentary, and to be impressed by the absence of coherence and logical sequence; but so skillfully has Professor Erwin done his work as weaver and so aptly has he supplied the necessary links of connective and explanatory sentences, that the book is not only an orderly treatment of the leading topics in the law, but it is distinctly readable as well. The analysis follows that which has been commonly adopted in larger and more pretentious text-books: treating first the general considerations involved in all cases of tort, and taking up then the specific classes of wrongs *ex delicto* for which the law gives redress. The general discussion includes a statement of principles which might be grouped with equal or greater logic under other headings in the law, such as the rules governing the liability of a principal for acts of his agent, the fellow servant rule, the liability of corporations for torts *intra* and *ultra vires*, and the survivorship of actions for personal injuries; but these rules, though dependent upon principles not inherent in any theories of tort, are of such frequent and necessary application in tort cases that their treatment in commentaries on the law of Torts is as reasonable and convenient as it is common. In the specific classes of cases discussed one finds the familiar headings of Assault, False Imprisonment, Libel and Slander, Deceit, Malicious Prosecution, Seduction, Trespass, Trover and Conversion, Nuisance and Negligence. The important related topics of Strikes and Boycotts and Interference with Contract Relations are, however, not considered, — an omission to be regretted because of the modern importance and intricacy of the problems which those topics present.

A distinguishing characteristic of Professor Erwin's book is the large proportion of citations from New York. Probably three quotations out of four are from opinions rendered by New York courts, inferior or of last resort. This feature must peculiarly adapt the book to use by students especially interested in New York law; but it will not necessarily impair its utility in other jurisdictions, since the decisions quoted are in most cases fair statements of principles recognized generally wherever the common law of Torts prevails. Moreover, conflict of authority on important points is indicated. New York statutory provisions are not infrequently specially referred to and stated, e.g., the Employers' Liability Act and the provisions governing actions for death by wrongful act. It is fair to presume, though no express statement to that effect is made, that in preparing this manual Professor Erwin had chiefly in mind the needs of his classes in the New York University School of Law. To their purposes, and to the purposes of students similarly situated, the book is admirably adapted, especially when used in connection with lectures covering in more detail the subjects here broadly considered. For the practitioner it is of small practical service save to refresh his memory on elementary principles: there is no table of cases, and the citations are manifestly not designed to be either exhaustive or especially representative of all jurisdictions. As a concise statement of the common law rules for purposes of review by candidates for admission to the bar the book may be distinctly commended.

—*Harvard Law Review*, Volume 20

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