

Moreland: The Law of Homicide

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law, links it up with its related subjects, lends an inestimable aid to the student. Thus, the writer feels that in the field of substantive law, while teachers of the various contractual subjects are necessarily specialists, the general rules of contract law should be constantly reviewed, and brought to bear on the specific contract studied, be it that of agency, partnership, or the various contracts arising from the negotiable instrument, or from corporate organization. This elucidates the essential coherence of the law as a preface to the consideration of the variations presented by any species of contract. In like manner, a book on Pleading, Evidence or Damages, or any other break-down of the Adjective Law, should fit its subject matter into the frame of Procedure, of which these subjects are but parts. This, within the limited confines of his "Handbook," Professor Tracy has done, with the result that the student may understand what the practitioner will readily perceive, the true setting of the specific topic with relation to the cognate and broader field.

Professor Tracy has more than fulfilled his purpose, as stated in the Preface to the book, to fill the needs of "the young lawyer who must have in his library some book on evidence but who cannot afford to purchase one of the exhaustive works," and "to serve the interests of the busy trial attorney, as a refresher before going into court."

JEREMIAH BUCKLEY*

The Law of Homicide. By ROY MORELAND. Indianapolis: The Bobbs-Merrill Co., Inc., 1952. Pp. viii, 314. \$7.50.

For those who by profession or inclination are prone to read books on law topics, to find a work that is interestingly as well as informatively done is somewhat of a rarity. Professor Moreland's topic, "Homicide," did, it is true, give him the advantage of discussing a subject which holds a peculiar fascination. The history of the law and cases concerning homicides have long furnished the basis for most interesting studies. In this work, the analyses of murder and manslaughter are treated in a different manner than the usual orthodox study of the law pertaining to these subjects, and an attempt is made to modernize the approach to them more in keeping with legislative enactments and later court decisions.

In format, the book consists of five sections. The first part, dealing with early developments, furnishes an interesting background history of the law of homicide prior to the 18th Century. Part Two is devoted to a study of homicide at common law and the beginnings of the various phases of murder and manslaughter. In this section the author traces the early development of the various degrees of murder and manslaughter which arose as the courts attempted to modify and adjust the early rigid provisions which had existed as an outgrowth of Anglo-Saxon customs. In Part Three, the author analyzes the statutes in the various states relating to murder and manslaughter and points up the legislative trend to rest liability on the degree of negligence in the defendant's conduct in determining responsibility for his acts, rather than following rigid rules. The various defenses to a charge of homicide, with special attention focused on self-defense and the defense of insanity, are the subject matter of Part Four. The last section reflects the author's views on what legislative changes appear necessary to modernize our laws in keeping with the

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judicial trends in this field as evidenced by the decisions of courts throughout the land. A suggested homicide statute, which well could serve as a model for a uniform statute for all the states to adopt, is set forth.

The work is amply supported by exhaustive footnotes and case citations which demonstrate the completeness with which Professor Moreland approached his task. A table of treatises, articles, and notes, and the table of cases readily provide for the researcher a comprehensive bibliography on the subject. It would be a gross understatement to merely report that the volume under review is worthwhile. For those who are not only engaged in the prosecution or defense of homicides, but are interested in the development of homicide law, this volume is essential. Thoroughly and intelligently prepared, this book presents a fresh approach to an old problem with which society has long been concerned.

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