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Smith & Prosser: Cases and Materials on Torts

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more grave matter of preservation of liberty under free government, it is both interesting and reassuring that Robson quotes Pound's view (page 623), delivered in regard to the American situation but considered by Robson to be equally applicable in England, that we need not fear for the liberty provided by the Constitution, in the working of administrative adjudicators.

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decided by the House of Lords in 1946. The court, having occasion to interpret its own prior opinion in Rylands v. Fletcher, denied recovery for personal injuries resulting from an explosion in a privately owned and operated munitions factory. It rested its decision upon the ground that there was no escape of the dangerous substance from the land. At the same time it cast additional doubt upon the meaning of the heretofore doubtful and troublesome term "non-natural" user and also questioned the application of the doctrine to personal injuries.

A necessary emphasis upon procedural and practical considerations relating to the extent and nature of liability is woven throughout the book. This is manifested in dealing with the problems of proof, measure of damages, apportionment of damages, release, contribution and indemnity among joint tortfeasors, contributory fault and survival and wrongful death actions. It is likewise evident in the treatment of both legal and equitable remedies in the topics of nuisance and misrepresentation, where equitable remedies are of great importance.

The book's 1239 pages make it a large volume, but as previously indicated much of the space is taken up with text and supplementary notes. One might speculate that the absence of an index is predicated upon the theory that the customary index in casebooks is usually inadequate and therefore useless, and that the additional space required for a complete index would not justify its inclusion in the light of an already imposing number of pages. The table of cases includes only the principal cases, omitting the multitude of cases cited in the notes. This omission was probably likewise due to space considerations. In the writer's opinion it is to be regretted.

The book is not without refreshing humor. It is apt to appear at the most unexpected but far from unwelcome times. This trait has more than once manifested itself in other literary ventures of one of the authors.

The authors have, according to the objective expressed in the preface, achieved a casebook which will permit coverage of the most important elements of the subject in the time allotted to the course in torts in the usual curriculum. They have provided the teacher with a casebook adaptable to his own theories regarding emphasis and scope.

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