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Publication of Torts Restatement

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PUBLICATION OF TORTS RESTATEMENT

The organization of the American Law Institute on February 23, 1923, represents the first, and so far the only general, effort of the profession to do something about the state of the law and to safeguard the legal system for the future. Itself an outgrowth of a voluntary committee headed by Elihu Root for the Establishment of a Permanent Organization for the Improvement of the Law, the Institute was a response to a situation of growing seriousness which threatened the survival of the common law. Faced by an ever increasing volume of the decisions of the courts, which already numbered over one and three-quarter million reported cases, with that staggering total growing at the rate of more than twenty-five thousand a year, the Institute recognized that unless a new factor promoting certainty and clarity could be found to blaze a path through the labyrinth of often irreconcilable decisions a forced abandonment of our common law system of expressing and developing law through judicial application of existing rules to new fact combinations would be necessary, its place to be taken by rigid legislative codes. It was in an attempt to supply this factor that the Institute's restatements of the law were begun. Restatements of the law of Contracts, Agency, and Conflict of Laws have already appeared, to this list are now added the first two volumes of the Restatement of Torts.

Work was begun in 1923 under the direction of the Reporter for Torts, Francis H. Bohlen of the University of Pennsylvania, who has devoted the major portion of his professional life to a study of the subject and is undoubtedly preeminent in the field. Assist-

ing him as a advisors were men from bench, bar, and faculties particularly qualified for the task they undertook, and these first results of their co-operative labors bear witness to the exceptional abilities the Section on Torts has at its command. Part of a series of four or five projected volumes, Volume I deals with International Harms to Persons, Land and Chattels, and Volume 2 with Negligence. The scheme of treatment is uniform with that of other subjects already published, consisting of a black-letter statement principle in each section, followed by explanatory comment and illustrative cases which are stated hypothetically but which the reader acquainted with the field will recognize, more often than not, as being old friends from the decisions. The arrangement of the sections into titles, topics, and chapters, the concise clarity of the statement aided by typography and layout, and the addition of an exceptionally complete and well organized index make the use of the books especially easy and valuable. It is worth while noting that each volume is complete in itself, and hence may be consulted without reference to its companion, when the service is finished, a comprehensive index of all the volumes will be compiled.

The Restatement has, of course, no authority, in the sense that the term is used with reference to a judicial decision, but it does represent the careful, considered statement of acknowledged experts in the field, based upon an exhaustive winnowing of decided cases, as to what the law *is*—occasionally, where there is sharp conflict, of what the law should be—together with the analytical reasons for the conclusion, as such, it should carry immense persuasive weight with both courts and practitioners. It should prove a valuable addition to the working tools of anyone interested in the subject, either as student or advocate, and it is unthinkable that anyone should consider himself equipped to discuss a problem in the law of torts without having first examined the treatment which the Restatement gives it.

With the opening of the fall quarter, Mr. Breck P. McAllister assumed his duties as Assistant Professor of Law. Mr. McAllister holds the A. B. degree from the University of California, the LL. B. degree from the Harvard Law School and the Ph. D. degree from Brookings Institute. In addition to three years' experience in the Anti-Trust Division of the Department of Justice, Mr. McAllister

has been engaged in the private practice of law in New York City for the past three years. He will teach courses in Taxation, Trade Regulation, Administrative Law, and Debtors Estates.

In the spring of 1933, Mr. Manson F Backus of Seattle gave to the Law School the sum of \$1,000 to provide for two \$100 scholarships each year for a period of five years. The first awards of these scholarships were made by the faculty at the beginning of the autumn quarter. The students selected for this honor were Miss Muriel Alice Mawer, A. B. Washington, 1933, and Mr. Walter Jesse Robinson, Jr., B. A. Washington State College, 1932.

Shortly after the beginning of the current school year Governor Martin requested the Law School to assist the Constitutional Revision Commission in the investigation of certain legal problems encountered by the Commission in the course of its work. These problems have been assigned to members of the third year, who will, under the direction of the faculty, make an investigation of the problems and submit a report thereon to the Commission. These problems were assigned to the following students

The Jury System in Criminal Trials.....	John Gavin
Survey of All Legislation Held Unconstitutional in Washington	Bob Palmer
Sterilization of the Feeble Minded.....	Maryhelen Wigle
Power of the Governor to Remove Local Officials.....	
.....	Leo Bloch
Digest of Proposed Constitutional Amendments in Washington	Carl Zapp
Inherent Powers of Cities, Townships and Counties....	
.....	Robert Copeland
County Governmemnt	Samuel Crippen
Township Governmemnt	Samuel Crippen