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## Book Reviews

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## BOOK REVIEWS

AMERICAN FAMILY LAWS. Vol. IV, Parent and Child. Chester G. Vernier, assisted by E. Perry Churchill. Stanford University, California: Stanford University Press, 1936. Pp. xxi, 496.

The fourth volume of Chester G. Vernier's monumental collection of American statutory law on the family relationship has now come from the press. Following the format and arrangement of the previous volumes<sup>1</sup> it presents a comprehensive and complete story of the law as it affects the parent and the child in the several states, the District of Columbia, and the territories of Alaska and Hawaii.

In keeping with the general plan of the entire series, the editors have not only collected the statutory material under appropriate topic divisions for purpose of comparison but have also added much valuable comment and criticism, together with substantial annotations, to make the work an acceptable reference book and a concise starting point for more extended investigation.

Such a collection of statutory material must necessarily become outmoded with the passage of time and the frequent changes made by the several local legislatures; in fact, some changes have occurred in the law between the time of the collection of the material and its publication. However, the editors have kept up to the minute with the current volume by noting such last minute changes in appropriate footnotes, as may be observed, for example, from the treatment of the subject of seduction.

Every phase of this division of the law has been considered from the subject of custody to that of tort liability, and even such subjects as the status of stepchildren, mother's pension laws, and criminal substitution of children with intent to deceive the parents are noted and discussed. This volume is an excellent companion for its predecessors in this important series.

LEGISLATIVE LOSS DISTRIBUTION IN NEGLIGENCE ACTIONS. Charles O. Gregory. Chicago, Illinois: The University of Chicago Press, 1936. Pp. xiii, 200.

<sup>1</sup> Vol. I was reviewed in 10 CHICAGO-KENT REVIEW 222, Vol. II in 11 CHICAGO-KENT REVIEW 224, and Vol. III in 14 CHICAGO-KENT REVIEW 199.

This significant monograph demonstrates that the older doctrines of tort law on the subjects of comparative degrees of negligence and of contribution between tort feasons may be united, through legislative action, into a harmonious and workable system and thus facilitate handling the weight of the losses arising from negligent injury in a more equitable fashion.

The author's main premise is that the rules governing liability for negligent conduct are still in the crude and harsh state forged by the common law and that the attempts by the courts to refine this baser metal by the introduction of embellishments thereon have resulted chiefly in dulling its finish rather than perfecting its form. If one is willing to accept this premise, then one is ready to follow the author through a compact but carefully written demonstration that remedial steps must come from legislative promulgation of new doctrines of substantive tort law and new methods of procedure to enforce such changes.

The present difficulties attendant on providing any ideal arrangement for distributing the loss between persons involved in a negligent tort are pointed out by the author. The proof is chiefly based on investigations he has made and published in several of the American law reviews during the past few years. There is no doubt, as he suggests, that the law cannot operate fairly and efficiently if it remains as it now is, even in those jurisdictions which have permitted themselves to depart from the firm ground of the common law on the subject by the use of the "last clear chance" doctrine and others of like nature.

After disposing of the present state of the law, the author embarks on a voyage into the realm of proposed legislation, and here his efforts are marked by many evidences of careful planning and considerate attention to the many intricacies which would develop under the ideal system he proposes. The difficulties arising from his plan because of diversity of citizenship and antagonistic public policies are not slighted; nor, for that matter, are the questions of administrative convenience and likely inadequacies in existing tribunals neglected.

Suggested apportionments of loss showing the operation of the scheme are given and diagrammatically illustrated. Moreover, a fruitful comparison of his proposed plan is made with a somewhat similar system now in operation in the Province of Ontario, Canada; and, for the convenience of the American reader in

securing an adequate picture thereof, the decisions of the courts of that province are digested and appended to the book.

To debate the feasibility of such a proposition with one who has demonstrated evidence of much earnest thought to the problem would be futile. To applaud it, however, would require an acceptance of the author's initial premise — something which many readers will be unwilling to grant.

#### BOOKS RECEIVED

RESTATEMENT OF THE LAW OF CONTRACTS — ILLINOIS ANNOTATIONS. Prepared by Harold Wright Holt under the Auspices of the Illinois Bar Association. St. Paul, Minnesota: American Law Institute Publishers, 1936.