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BY

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PREFACE

THIS book comprises the lectures delivered as Tagore Professor in the University of Calcutta, 1930. Its aim is neither to construct a perfect definition of tort nor to isolate entirely the Law of Tort, for either task is impossible. Any attempt to separate completely one topic in the Common Law from another is likely to yield artificial and unpractical results which may be compared to wrenching a limb from a living organism rather than to detaching a part from a machine. The real object of the lectures was to trace the *liaison* between tortious obligation and other regions of the law, and, paradoxical as it may seem, it is suggested that the Common Law has gained greatly in effectiveness by the absence of clearly marked barriers on the boundary of any one of the subjects analysed. This may make exposition rather difficult, but a good test of an adequate system of law is its satisfactory working by the Bench and practitioners for those who have to obey it; and, in the main, the Law of Tort satisfies that test, not only in what may be reckoned as strictly part of its contents and of nothing else, but also in those portions of it which overlap other legal territory.

The space allotted to one of the topics may seem disproportionate. The chapter on Quasi-contract is much longer than any other and is, in effect, a short monograph on that part of the law. But in view of what is said on pp. 116–119, it may be doubted whether abridgment was feasible. I confess that at one point in my preparation of the lectures I found it difficult to resist the

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temptation to concentrate on Quasi-contract and to include nothing else. There is need of a good English law textbook on it, and, given that, it ought to be taught as a post-graduate subject in the English law schools.

I welcome this opportunity of repeating my sincere thanks to the managers of the foundation which was the occasion of these lectures; and to all my friends in Calcutta for the extraordinary kindness which I experienced there.

P. H. W.

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