



Elements of Damages: A Handbook for the Use of Students and Practitioners (Classic Reprint)

Arthur George Sedgwick

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Excerpt from Elements of Damages: A Handbook for the Use of Students and Practitioners

In the present edition I have re-examined the subject after an interval of thirteen years. With the necessary development of the law in such a period, and the constantly increasing volume of cases, I have not been able to avoid considerably increasing the text and the number of citations. The chief additions relate to Mental Suffering, especially as to the bearing upon the question of its allowance of the doctrine of Proximate Cause, Death by Wrongful Act, Compensation and Benefits under Eminent Domain Statutes, Interference with Contract and the right to seek Employment, Liquidated Damages, Limitations of Liability, Damages in Contract on refusal to perform. Damages on breach of manufacturing contracts, the rule in *Smith v. Bolles*, Damages on breach of agreements to lend money. Damages as affected by the Conflict of Laws, and Pleading and Practice.

So far as the substantive law is concerned, the course of decision has tended to clear up many important points which until recently were involved in a good deal of obscurity. Thus, the cases of *Dulieu v. White and Simone v. Rhode Island* seem at last to have placed the theory of proximate cause in actions for physical injury produced by the effects of negligence upon the nervous system in its true light; actions for wrongs committed through interference with Contract, and the right to make contracts, have been placed upon a clear and intelligible basis; the stumbling-blocks in the way of liquidating damages by agreement have been rendered much less formidable by the doctrine of "pre-ascertainment"; the theory of damages for breach of manufacturing contracts has been freed from most of its perplexity.

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