



A Summary of the Law of Contracts

Christopher Columbus Langdell

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According to the popular apprehension of the term, a promise is the act of the promisor alone; but in truth it requires also an act of the promisee. Before any act by the promisee, the so-called promise is in law only an offer, called by the Romans a pollicitation. It is not until it is accepted by the promisee that it becomes in law a promise. A promise is in this respect like a gift of property, which is commonly supposed to be the act of the donor alone, but which requires the acceptance of the donee to pass the title to the property. The acceptance of an offer, however, differs materially from the making of an offer. The former requires, it seems a mental act only; and clearly it does not, like the making of an offer, require a communication from the person making it to the person to whom it is made.

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