

BOOKS AND PERIODICALS.

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Ringwood's Outlines of the Law of Torts. 5th Edition. By C. H. Ziegler, LL.M., Lecturer in Law at Pembroke College, Cambridge, and of the Inner Temple, Barrister-at-Law, London: Sweet and Maxwell, Limited, 1924, pp. xxviii.+356.

This little book, the popularity of which is proven by its having reached its fifth edition, is based upon a course of lectures delivered before the students at the Law Institution in London, some years ago, and it has been brought down to date by the present Editor. The subject of Torts is of course too large a one to be dealt with exhaustively in a volume of this size, but the author has condensed a large amount of practical information within the limits of his book. The subject is dealt with in eleven chapters under the following heads:—Introductory—Torts Generally; Who are liable for Torts; Damages in Actions for Torts; Limitation of Actions for Torts; Torts to the Person; Malicious Injuries; Torts in Respect of Family and Domestic Relations; Torts to Property; Negligence; Fraud or Deceit; and Slander and Libel.

It would not be practicable in the circumstances, to make an extensive review of this book, but the writer may be allowed to deal with one important difference between the English law, as laid down in it, and the law in Ontario. This results from the fact that, while the House of Lords is the highest appellate tribunal from the English Courts, the Judicial Committee of the Privy Council occupies the same position with regard to the Courts of the Dominions and Colonies. In 1887 the Judicial Committee heard an appeal from Australia, in the case of *Victorian Railway Commissioners v. Coultas*, which is reported in 13 Appeal Cases at page 222. Briefly put, the decision, which reversed that of the Supreme Court of Victoria, was that damages for "mental shock" were not recoverable, when unaccompanied by any actual physical injury.

This was followed here in *Henderson v. Canada Atlantic Ry. Co.* (1898) 24 A. R. 437. An appeal was taken in that case to the Supreme Court (see 29 S. C. R. 632) on another point, but this question was not raised on that appeal. These two cases were subsequently followed by a Divisional Court in 1905, in the case of *Geiger v. Grank Trunk Ry. Co.* (1905) 10 O. L. R. 511. Mr. Justice Teetzel at the trial, attempted to distinguish the two last mentioned cases, and relied on the then recent English decision in *Dulieu v. White*, (1901) 2 K. B. 669, in which the Victorian Railway case was discussed and not followed. His decision was, however, reversed by the Divisional Court, which held that the two cases firstly above referred to were not distinguishable, and were therefore binding on our Courts.

Then came the decision of our Court of Appeal in *Toms v. Toronto Ry. Co.*, (1910) 22 O. L. R. 204, in which all the three cases above mentioned were distinguished, on the ground that in this case, there was physical as well as mental shock; and the judgment was upheld by the Supreme Court of Canada, (see 44 S. C. R. 268). The Privy Council decision has also been distinguished and even doubted in New Brunswick, in the case

of *Kirkpatrick v. Canadian Pacific Ry. Co.*, (1902) 35 N. B. R. at page 603. See also the recent decision of the Saskatchewan Court of Appeal in *Hogan v. City of Regina*, noted in the June number of this Review, at page 422. One feels that our Courts have latterly shown considerable judicial ingenuity in arriving by a roundabout way, at the same practical result as that reached by the Courts in England. Of course the Privy Council decision will still have to be followed here, in cases that cannot possibly be distinguished from it.

The author at page 38, states that the rule laid down in *Merryweather v. Nixan*, that where one or two joint tortfeasors is sued and pays the whole of the damages, he has no right of contribution or indemnity from the other, if he knew, when committing the act for which he was sued, that it was unlawful. Two exceptions to this rule are noted, as having been made by the Directors Liability Act, 1890, and the Maritime Conventions Act, 1911. To these should be added in Ontario, the exception made by Section 464 of the Municipal Act, in certain actions against Municipal Corporations. The writer understands that similar legislation exists in the Western Provinces, and also under the Civil Code of Quebec, by Action in Warranty.

There is also some difference between the law of England and that of some of the Provinces of Canada, as to the liability of a husband for the antenuptial and postnuptial torts of his wife. For instance in Ontario, British Columbia and New Brunswick, the same rule is applicable to both kinds of torts. As this book will naturally make its principal appeal to students, it is important that they should be cautioned to read it, subject to the statutory as well as judicial distinctions in the law that exist between the two countries.

M. J. G.

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Chambers' Encyclopaedia. A Dictionary of Universal Knowledge. New Edition, edited by David Patrick, M.A., LL.D., and William Geddie, M.A., B.Sc. Volume IV. (Dioptries to Freistadt.) London and Edinburgh: W. & R. Chambers, Limited, 1924.

Among the more important articles in the fourth volume of the new Chambers' are *Electricity* by Professor C. G. Knott, *Fairs* by Sheriff Irvine, *Fabianism* by George Bernard Shaw, *Forgery* by Sir A. Wood Renton and *Free Trade* by Professor J. S. Nicholson. As would be expected these distinguished writers have furnished forth information of great value concerning the subjects of which they treat. *France* is dealt with by such eminent authorities as Prince Kropotkin and M. Roget, their work being revised and brought down to date by Mr. J. L. Geddie. There is an excellent map of the country, showing the enlargement of territory due to the Great War. Professor Patrick Geddes writes luminously of *Evolution* in its several aspects, pointing out with equal candor the achievements and failures that have marked the keen exploitation of the theory in the various sciences since the middle of the nineteenth century. Another very important article is that on *Education* by Professor John Adams. He observes that "the final aim of all education is the self-realisation of the individual. . . . It is for metaphysicians and psychologists to discuss the possibility and nature of a self; the educator is entitled to assume its existence and to busy himself about its development." The volume as a whole is of uncommon value.

C. M.