
rewarded by a look at his official letters and utterances as Viceroy of India from 1921 until 1926.

The public life of Lord Reading ended with his holding of the office of Foreign Secretary in 1931 but advancing age forced his retirement after only a few months. He was succeeded by another eminent lawyer, Sir John Simon who was instrumental in beginning the policy of appeasement with Japan which led eventually through the debacle of Munich to the Second World War. One is left wondering whether things may have been different if Reading had been but ten years younger.

All in all, Mr. Hyde has given us an illuminating biography of a remarkable lawyer who quietly influenced the turbulent period of British Imperial history, through which he lived.

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WINFIELD ON TORT, 8th Edition,

By J. A. Jolowicz and T. Ellis Lewis; (Sweet & Maxwell: London), 1967; 793 pp., and (index) 24 pp.

Almost every schoolboy learns, at some stage in his study of geography, of the theory of continental drift; his newly-acquired erudition is aired by fitting the pieces of the jigsaw together, and demonstrating how closely the eastern and western seaboard of the Atlantic correspond. The gap may be opening (runs the theory) but the outlines and masses remain the same.

The position of the reviewer faced with a new edition of a long-established legal textbook is not unlike that of the tyro geographer. He will normally be commenting on the latest stage in a perpetual process of jurisprudential drift; he will note various erosions and accretions that have occurred since the last edition and may remark that the mass of the modern law has moved a little further away from that of the first edition, but will conclude, usually, by commenting that the familiar outlines and contours remain solid and, in substance, the same.

The eighth edition of *Winfield on Tort* by Messrs. Jolowicz and Ellis Lewis does not readily admit of such an approach in review. To extend the geographical metaphor, not only have the contours changed, but much major legal cartography has been done and some shifts in the very bedrock of the work have occurred.

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As one example of the several fundamental changes in this edition, one may point to the abandonment of Winfield's classic definition of tortious liability; this is included in the present text, but largely, as the authors admit, "for reasons of piety". In many areas there have been drastic re-arrangements of material, coupled with incorporation of new and important law. Whereas the closely-related topics of deceit and liability for negligent mis-statement were separated by some four hundred pages in the previous edition (with *Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd.*¹ appearing as an appendix to that edition), a new chapter (Chapter 12) on "Liability for Statements" now draws together and examines the inter-relation between these previously dis-membered limbs. The chapter dwells at some length on the effect of the decision in *Hedley Byrne*, and while the authors admit that "here we are on unsure ground", they formulate with some precision (p. 246) the instances in which the power to disclaim responsibility is, in their view, circumscribed.

The topic of Defences, which was previously an uncomfortable bed-fellow of "General Conditions of Liability in Tort" has now been adjudged worthy of a chapter to itself and has been placed more logically near the end of the work. Another logical re-arrangement is that the chapter on Remedies and that on Measures of Damages have been consolidated and have, too, been placed near the end of the work. The overall effect of these and other re-groupings is that the intellectual hopscotch which was forced on the student by the format of the previous edition has now been obviated.

Welcome expansion has come in several areas. The amount of space, for example, devoted to the relationship between Nuisance and Negligence has been trebled, and the effects of the two *Wagon Mound*² cases in this area have been examined. One criticism which might be voiced here is that the decision in *Goldman v. Hargrave*³, which is adequately discussed under the heading of Liability for Fire, could also have been considered with advantage in conjunction with the survey of the relationship between Nuisance and Negligence just mentioned.

One minor disappointment in the new edition is that the chapter on Nervous Shock has neither expanded nor has undergone any substantial change. One might have expected that, for example, the decision in *Chadwick v. B. R. Board*⁴ would have been accorded more

1. [1964] A.C. 465.

2. [1961] A.C. 388; [1966] 3 W.L.R. 498.

3. [1966] 3 W.L.R. 513.

4. [1967] 1 W.L.R. 912.

attention than that of a footnote (p. 123). This is one area in particular where the Canadian student must look further afield, especially at recent Canadian cases.

Winfield has now come a long way; it is thirty years since its first edition appeared, and seventeen years since the original creator of the work produced his fifth edition. As pointed out above, many of Winfield's most fundamental ideas have been abandoned and replaced. In several Chapters and Sections, the statement of the modern law is preceded by the remark that "Winfield thought that . . ." (pp. 43, 118), "it was Winfield's view that . . ." (p. 2), "Winfield has traced the history of . . ." (p. 437), and similar introductions. It is interesting and instructive to know how far the concepts of the master have been modified or replaced—and the comparisons represent a fascinating indication to legal development. At times, however, one wonders whether the present authors, who have wrought such excellent improvements, should not feel free to shake off what sometimes seem suspiciously like the shackles imposed by (to use the authors' word) piety, and state their view without looking over their shoulder to the past. The result might be more fluency of reading for the student.

Barring such criticisms, the impression created by the new edition of *Winfield* is entirely favourable. Its "new look" represents a welcome emphasis on continuity and readability, and the fact that the work is now available for the first time in paperback should recommend it especially to the student.

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