

Legal Fictions, by LAURENCE POLAK—illustrated by DIANA PULLINGER (Stevens) 8/6.

Pratt C.J. is reported as saying that he never wished to hear the words "non liquet" in his court, for they had no place in English law. Accordingly for centuries the legal profession has exercised its ingenuity in producing legal fictions, and the crowning effort in this respect is Mr. Polak's "Legal Fictions." For, to show the adaptability of English law, the author takes his problems from the pages of Greek mythology, places them in a modern court, and invites a solution. Nor does his bench (Phaeton, Apollo, Hermes J.J. *et al.*) fail him. The results may be startling, but then so too are the facts—for while a Centaur at a Company meeting might grace the chair "with a happy blend of humanity and horse-sense," his presence does give rise to such problems as whether "a show of hooves" shall be included in the expression "a show of hands."

Some old acquaintances are introduced in new guises—Jupiter becomes Mr. Jupiter, President of the independent state of Olympus, Hercules appears as "a professional strong man" and Daedalus as "a well-known aeronautical engineer." Some equally well-known authorities are cited—and it is feared, extended. Thus it would appear that persons who keep Minotaurs are now to be liable for damage caused thereby under the rule in *Rylands v. Fletcher*. But apart from this the law is accurately stated—a pleasing feature in books of this kind—and some useful drafting precedents are supplied incidentally. For example, anyone faced with the problem of leasing arable land at present occupied by fire-breathing bulls will find the precise situation covered in the lease cited in *Re Golden Fleece Ltd.* at p. 50.

Altogether this volume, which also contains some admirable illustrations, bids fair to more than fill the gap which A. P. Herbert's desertion to less productive fields has left in the realm of lighter legal literature.

A. R. WATSON.

Principles of the Law of Libel and Slander, by W. A. BUTTON, B.A., pp. i - xxiii ; 1 - 255 and Index. 2nd Ed., Sweet & Maxwell £1/1/0.

To quote the words of Greer L.J. in the Preface, this work, now in its second edition, provides "a good foundation for an adequate and complete knowledge of the English law of defamation."

The author has succeeded in collating a vast number of judicial pronouncements taken from decided cases into a text book of great merit though of small size. It is a work which will appeal not only to students but to the legal profession generally, as a beginning for any research in the field of defamation. The practitioner will find that references to Gatlley and other such works are still necessary, but there is no doubt of the necessity for a work of such modest dimensions as this. The principles of law are stated with the greatest clarity—in fact in some passages the

author has almost sacrificed accuracy for simplicity. However, one must keep in mind the fact that the author is merely striving to explain general principles.

It is dangerous to read portions of any one chapter without perusing the whole. An example of this is seen on page 8 where the author says that where a defendant admits to a different version of the words complained of "the plaintiff may amend his claim then and there to rely on the version admitted by the defendant." As every pleader well knows, there are many restrictions on this procedure.

The addition of recent cases has increased the value of this edition. The important case, *Knuppfer v. London Express Newspapers Ltd.*¹, has assisted greatly in clarifying the section on class libel (pp. 63 *et seq.*). Over-simplification, however, is apparent here, as also in the section dealing with the distinction between libel and slander. It is unfortunate that *Meldrum v. A.B.C.*² was apparently unavailable to the author in this connection.

On page 73 no attempt is made to reconcile the apparently inconsistent decisions in *Vizitelly v. Mudies Select Library*³ and *Weldon v. Times Book Club*.⁴ This again, it is suggested, is due to trying to state the law in an over-simplified form.

Chapter 9, entitled "Fair Comment," consists in bulk of quotations from decided cases. Admittedly this is a difficult topic to treat, but a statement of the present position would convey more to the student and be of greater assistance to the practitioner than the semi-historical resume which is offered.

The frequent summaries of the state of the law occurring in the various chapters are a decided asset, but sometimes misleading. For instance, the statement on p. 103 that "Malice on the part of the critic will always render criticism unfair" should be read in conjunction with the words of Collins M.R. in *Thomas v. Bradbury, Agnew*:⁵ "It is of course possible for a person to have a spite against another and yet to bring a perfectly dispassionate judgment to bear upon his literary merits."

Despite the foregoing criticism it is felt that this is a work full of merit. It is well set out and carries frequent precedents for the pleader in well nigh every chapter. The index is ideal, the print most acceptable, and the principles are stated with the utmost clarity. The passages on criminal libel are particularly valuable, the table of English statutes greatly facilitates a comparison of statute law, and both the material and the price make the book worthy of a place on every legal book-shelf.

A. R. BLASHKI.

1. [1944] A.C. 116.
2. [1932] A.L.R. 432.
3. (1900) 2 K.B. 170.
4. [1911] 28 T.L.R. 143.
5. (1906) 2 K.B. 627, at 642.