

***Cases and Materials on the Law of Torts*, R. M. Solomon, B. P. Feldthusen and S. J. Mills, Toronto: Butterworths, 1982. Pp. lv, 950, \$85.00 (cloth), \$39.50 (paper).**

There is, at last, a published casebook on the Canadian Law of Torts which will likely prove a worthy challenger to the classic work on that subject begun by the late Dean C. A. Wright and presently continued into its 7th edition by Mr. Justice Linden of the Supreme Court of Ontario.¹ Like the Wright and Linden text, the casebook by Solomon, Feldthusen and Mills (the Solomon et al. text) has survived for a respectable length of time in law school classrooms. While the former has been in print for approximately three decades, numerous versions of the latter (in the form of photocopied materials) have been employed by Torts law teachers as their basic course materials for at least nine years prior to the official publication. While the "pedigree" of the newcomer is not as long or impressive as that of the reigning champion in the field, its actual use has established a worthwhile and dependable set of credentials.

The value of the Solomon et al. casebook becomes apparent when it is compared to the traditional reference standard of Wright and Linden. For example, while Mr. Justice Linden has chosen (probably by some necessity) to maintain the basic organization of the text adopted by Dean Wright in its first edition, Solomon et al. have been unhindered by custom, and their text had profited from that freedom. For both instructor and student alike, the first chapter of the Solomon text and the second chapter (which discusses the basic concepts of damages in intentional torts) provide a more logical and comprehensible set of introductory materials than that which appears in the Wright and Linden book.

Similarly, additions to basic chapters of the Solomon et al. casebook improve upon the content of similar sections of the older Wright and Linden work. In the Wright and Linden text, the chapter on intentional interference with the person remains unchanged from past editions. It is divided into sections on intent, battery, assault, mental suffering, false imprisonment, interference with land and interference with chattels. In their treatment of the material, however, Solomon et al. have expanded their casebook dealing with the above subjects by about 50% (approximately 33 more pages), and have divided it into three chapters dealing with intentional interference with the person, with land and with chattels respectively. Furthermore, they have added subsections within those chapters that are concerned with the above, and with: malicious prosecution,² the pro-

¹C.A. Wright & A.M. Linden, *Canadian Tort Law: Cases, Notes & Materials*, 7th ed. (Toronto: Butterworths, 1980). Also, A.M. Linden & Lewis Klar, *Wright & Linden's Canadian Tort Law: Cases, Notes & Materials 7th ed: 1981 Supplement* (Toronto: Butterworths, 1981).

²C.A. Wright & A.M. Linden, *Canadian Tort Law: Cases, Notes & Materials*, 7th ed. (Toronto: Butterworths, 1980) at 3-47, Defence of Legal Authority.

tection of privacy, the tort of discrimination, conversion, replevin, detinue, bailment, nuisance and trespass to airspace. Almost all the subjects dealt with in the subsections listed above are to be found in Wright and Linden, but usually not in as organized or detailed a fashion and, at times, are "tacked on" to the original text by the addition of extra chapters. Finally, when one compares the intent of the Wright and Linden casebook with that of the Solomon et al. text, it becomes apparent that the scope of purpose of the latter is more ambitious.

Like most casebooks, the various chapters and numerous subsections of the Solomon et al. text are composed of extracts from major case judgments supplemented by comments, editorial passages, notes, questions and review problems. While in most instances, the ranking of materials by the editors is acceptable, one frequently encounters case references and comments in the notes which appear to be more significant than the space allotted to them suggests. As a result, the teacher could become, in the eyes of students in an introductory course, hopelessly bogged down in issues that are subsidiary to the main ones of the casebook. This, unfortunately, is the price one must pay for using a text which someone else has compiled. Overall, however, this problem is minor compared to the numerous benefits to be derived from adopting the text. Besides, after having used it to teach a course once, familiarity with the materials will likely tend to allow the instructor to adapt them to his own teaching interests and peculiarities.

While Linden has continued to restrict the older casebook to something which is the "basis for an introductory course in the law of torts",³ Solomon, Feldthusen and Mills claim that their book is *also* intended to serve as the text for advanced courses:

Those subjects traditionally encompassed within first year courses are examined in detail. In addition, we have attempted to provide similar coverage of several interesting and increasingly important areas, including the defence of legal authority, recovery for pure economic loss, the liability of public authorities, and the tort of defamation.⁴

As the Solomon et al. casebook is primarily intended for the classroom, one should not overlook its value to the reference libraries of practitioners. The organization of the casebook and its coverage of the subject of torts law will be helpful to virtually every lawyer who deals with torts law problems.

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³*Ibid.*, at ix.

⁴Solomon, Feldthusen & Mills, *Canadian Materials on the Law of Torts* (Carswell: Toronto) 1983 at p. vi.

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