the common run of lawful acts. It is not wrong to make an artificial reservoir of water on one’s own land ; but the landowner who does so must answer for all damage, though no failure in due diligence be shown, if the water escapes by any cause which reason­able human care could possibly have provided against. Again, the occupier of a place of business must keep it in safe repair, for the benefit of customers and others lawfully coming there ; and, if harm is done through the want of repair, it is no excuse for him to say that he had engaged an apparently competent person to keep things in order. These are modern principles in the law, and seem to have hardly yet reached their full development. The doctrine of negligence is also mostly modern. Questions of much interest and difficulty are raised by “ contributory negligence,” i.e., when it is alleged by way of defence that the party complaining suffered wholly or mainly by his own want of care. The true principle appears to be that, if under the circumstances the harm suffered by the plaintiff was the natural and probable consequence of the defendant’s want of care, the defendant is liable,—and this -whether the plaintiff, or some third person, has or has not in any degree contributed to the final result by want of care on his own part, or even by a voluntary act, provided that the act be such as might have been foreseen and expected. But if the plaintiff has done something which, though induced by the defendant’s default, was not a natural and probable consequence of it, or if the harm suffered is due to some act of a third person which could not have been reasonably foreseen or expected, then the defendant will not be liable.

A great number of special duties have been imposed on different classes of persons—public officers, undertakers of public occupa­tions, and so forth—by modem Acts of Parliament, and are enforc­able by penalties. In some cases the breach of such a duty confers a separate right of action upon a person who thereby suffers damage, in others not, according to what appears to be the inten­tion of the enactment. No general rule can be laid down.

In practice, a large proportion of actionable injuries, especially injuries by negligence, are due to the acts or defaults of servants or workmen, from whom no substantial redress could be obtained or expected. It is held in the common law, and appears to be held in all modern systems, that a master is liable for the acts and defaults of the servants employed by him, provided those acts or defaults occur in the course of the servant's employment, that is, while the servant is about the master’s business, and acting with a view to the master’s interest, and not for some different private purpose of his own. But a man is not generally liable for the conduct of an “independent contractor”—a person who under­takes to do or get done certain work, but not to be under the employer’s control as to the manner of doing it. One may be so liable, however, in virtue of special duties attached to particular situations by positive rules of law. When a servant is injured by the act or default of another servant working under the same employer, the general rule of liability has been largely modified in the employer’s favour, on grounds which have neither been con­sistently expounded nor generally received as satisfactory. The Employers’ Liability Act of 1880 has remedied the most obvious hardships consequent on the decisions, but only by way of particu­lar exceptions, so that the law as a whole, if more just than it was, is much more intricate, and does not appear to rest on any intel­ligible principle. The Scottish courts were in a way to develop a more rational doctrine, but the House of Lords, instead of adopting it, forced the law of Scotland into conformity with judgments which were still of only recent authority in England. The subject, however, has given trouble everywhere, and legislative experiments have been tried in many Continental countries. See Parliamentary Papers, Commercial, No. 21, 1886.

*Literature.—*There are several modern English and American text-books on the law of torts C. G. Addison, *Wrongs and their Remedies, being a Treatise on the Law of Torts,* 6th ed., by Horace Smith, London, 1887, la. 8vo ; Μ. Μ. Bigelow, *Leading Cases on the Law of Torts,* Boston, Mass., 1875, la. 8vo; Id., *Elements of the Law of Torts,* 3d ed., Boston, Mass., 1886, sm. 8vo; C. Collett, *Manual of the Law of Torts and of the Measure of Damages,* 6th ed., Madras, 1886, Svo ; T. Μ. Cooley, *A Treatise on the Law of Torts,* Chicago, 1880, 8vo ; S. Hastings, *A Trea­tise on Torts,* London, 1885, la. Svo; F. Hilliard, *The Law of Torts or Prirate Wrongs,* 4th ed., Boston, Mass., 1874, la. 8vo, 2 vols.; F. T. Piggott, *Principles of the Law of Torts,* London, 1885, 8vo ; F. Pollock, *The Law of Torts,* London, 1887, 8vo ; A. Underhill, *A Summary of the Law of Torts,* 3d ed., London, 1881, 8vo. There are also well-known works of a wider scope which touch on many parts of the subject, such as that of Mayne on Damages; and monographs on special parts, such as those on Negligence by Campbell, Horace Smith, Shearman and Redfield, and Wharton, and those on Libel and Slander by Starkie (recent ed. by Folkard) and Blake Odgers. The Government of India has taken steps to codify the law of civil wrongs (Whitley Stokes, *The Anglo-Indian Codes).* The general institutional books (Blackstone and Kent, and the later adaptations of Blackstone in England) are of little use, as in almost every branch the law has been largely developed and modified by the decisions of the last fifty years. (F. ΡΟ.)

TORTOISE. Of the three names generally used for this order of reptiles, viz., Tortoise, Turtle, and Terrapin, the first is derived from the old French word *tortis, i.e.,* twisted, and was probably applied first to the common European species on account of its curiously bent fore­legs. Turtle is believed to be a corruption of the same word, but the origin of the name terrapin is unknown : since the time of the navigators of the 16th century it has been in general use for freshwater species of the tropics, and especially for those of the New World. The name tortoise is now generally applied to the terrestrial members of this group of animals, and that of turtle to those which live in the sea or pass a great part of their existence in fresh water.

Tortoises and turtles constitute one of the orders of Reptiles, the *Chelonia.* They are characterized by having the trunk of the body incased in a more or less ossified carapace, which consists of a dorsal more or less convex portion, and of a flat ventral one, the so-called plastron. These portions are generally more or less firmly united on the side, but leave a wide opening in front through which the head and neck and the fore-limbs protrude, and one behind for the tail and hind-limbs. The dorsal carapace is (with the exception of *Sphargis)* formed by the dorsal vertebræ, by the ribs which are so much expanded as to form sutures with each other, and by a number of lateral dermal ossifications (marginals). The plastron consists of from eight to eleven more or less dilated dermal bones, the sternal elements of higher *Vertebrata* being absent. This osseous case or shell receives in its interior the organs of the chest and abdomen, the humeral and pelvic bones, and the muscles for the humerus and femur. In many species, especially those of the family *Testudinidæ,* or tortoises proper, the neck and head and the limbs can be withdrawn within the shell, the cervical and the proximal caudal vertebræ retaining their mobility. In the majority of Chelonians the osseous shell is covered with a hard epider­moid coat, which is divided into large symmetrical plates (commonly called “tortoise-shell” in those species from which the article of commerce is obtained), which can be detached from the underlying bones. These epidermoid plates do not correspond in arrangement or extent with the bones of the carapace ; they vary considerably in form, and are therefore generally noticed in the descriptions of species. Their arrangement and terminology may be learned from the accompanying illustrations (figs. 1, 2).

The integuments of the head, neck, tail, and limbs are either soft and smooth or tubercular or scaly, the tubercles and scales having frequently an osseous nucleus.

Other parts also of the skeleton show remarkable pecu­liarities, so that the sometimes very fragmentary remains of Chelonians can almost always be recognized as such. All the bones of the skull are suturally united, with the exception of the mandible and hyoid bone ; the dentary portion of the mandible consists of one bone only. The pectoral arch is composed of the scapula, with which the precoracoid is united, and the coracoid. Clavicles (epi- plastra) are represented by the anterior elements of the plastron. Two pairs of limbs are invariably present.

All Chelonians possess a tail, which is generally short, but sometimes elongate, and always provided with strong muscles at the base. No Chelonian possesses teeth ; but their jaws are provided with horny sheaths, with hard and sharp edges, forming a beak like that of a parrot.

The number of Chelonians known at present may be estimated at about 220, the freshwater species being far the most numerous, and abundant in well-watered districts of the tropical and subtropical zones. Their number and variety decrease beyond the tropics, and in the north they disappear entirely about the 50th parallel in the western and about the 56th in the eastern hemisphere, whilst in the southern hemisphere the terrestrial forms seem to advance to 36o S. lat. only. The marine turtles, which are spread over the whole of the equatorial and subtropical seas, sometimes stray beyond those limits. As in other