as well as to the right of every man to carry on his business.@@1 Owners and occupiers of immovable property are bound, indeed, to respect one another’s convenience within certain limits. The maxim or precept *Sic utere tuo ut alienum non laedas* does not mean that I must not use my land in any way which can possibly diminish the profit or amenity of my neighbour’s. That would be false. It is a warning that both his rights and mine extend beyond being free from actual unlawful entry, and that if either of us takes too literally the more popular but even less accurate maxim, “ Every man may do as he will with his own,” he will find that there is such a head of the law as nuisance.

From the point of view of the plaintiff, as regards the kind of damage suffered by him, actionable wrongs may be divided into four groups. We have some of a strictly personal kind; some which affect ownership and rights analogous to ownership; some which extend to the safety, convenience and profit of life generally—in short, to a man’s estate in the widest sense; and some which may, according to circumstances, result in damage to person, property or estate, any or all of them. Personal wrongs touching a man’s body or honour are assault, false imprisonment, seduction or “ enticing away ” of members of his family. Wrongs to property are trespass to land or goods, “ conversion ” of goods (*i.e*. wrongful assumption of dominion over them), disturbance of easements and other individual rights in property not amounting to exclusive possession. Tres- pass is essentially a wrong to possession; but with the aid of actions “ on the case ” the ground has been practically covered. Then there are infringements of incorporeal rights which, though not the subject of trespass proper, are exclusive rights of enjoyment and have many incidents of ownership. Actions, in some cases expressly given by statute, he for the piracy of copyright, patents and trade marks. Wrongs to a man’s estate in the larger sense above noted are defamation (not a strictly personal wrong, because according to English common law the temporal damage, not the insult, is, rightly or wrongly, made the ground of action) ; deceit, so-called “ slander of title ” and fraudulent trade competition, which are really varieties of deceit; malicious prosecution; and nuisance, which, though most important as affecting the enjoyment of property, is not considered in that relation only. Finally, we have the results of negligence and omission to perform special duties regarding the safety of one’s neighbours or customers, or of the public, which may affect person, property, or estate generally.

The law of wrongs is made to do a great deal of work which, in a system less dependent on historical conditions, we should expect to find done by the law of property. We can claim or reclaim our movable goods only by complaining of a wrong done to our possession or our right to possess. There is no direct assertion of ownership like the Roman *vindicatio.* The law of negligence, with the refined discussions of the test and measure of liability which it has introduced, is wholly modern; and the same may be said of the present working law of nuisance,

though the term is of respectable antiquity. Most recent of all is the rubric of “ unfair competition,” which is fast acquiring great importance.

It will be observed that the English law of torts answers approximately in its purpose and contents to the Roman law of obligations *ex delicto* and *quasi ex delicto.* When we have allowed for the peculiar treatment of rights of property in the common law, and remembered that, according to one plausible theory, the Roman law of possession itself is closely connected in its origin with the law of delicts, we shall find the corre- spondence at least as close as might be expected a priori. Nor is the correspondence to be explained by borrowing, for this branch of the common law seems to owe less to the classical Roman or medieval canon law than any other. Some few misunderstood Roman maxims have done considerable harm in detail, but the principles have been worked out in all but complete independence.

A list of modern books and monographs will be found at the end of the article on “ Torts ” by the present writer in the *Encyclopaedia of the Laws of England* (2nd ed.). Among recent editions of works on the law of torts and new publications the following may be mentioned here : Addison, by W. E. Gordon and W. H. Griffith (8th ed., 1906); Clerk and Lindsell, by Wyatt Paine (4th ed., 1906); Pollock (8th ed., 1908); Salmond, *The Law of Torts* (2nd ed., 1910). In America: Burdick, *The Law of Torts* (1905); Street, *The Foundations of Legal Liability* (1906), 3 vols, of which vol. i. is on Tort. (F. Po.)

**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 *lortis, 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 un- known: since the time of the navigators of the 16th century it has been in general use for fresh-water 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. They consti- tute one of the orders of reptiles, the Chelonia: toothless reptiles, with well developed limbs, with a dorsal and a ventral shell composed of numerous bony plates, large firmly fixed quadrates, a longitudinal anal opening and an unpaired copulatory organ.

The whole shell consists of the dorsal, more or less convex carapace and the ventral plastron, both portions being joined laterally by the so-called bridge. The carapace is (with the exception of *Sphargis)* formed by dermal ossifications which are arranged in regular series, viz. a median row (1 nuchal, mostly 8 neurals and 1-3 supracaudal or pygal plates), a right and left row of costal plates which surround and partly replace the ribs, and a considerable number (about 11 pairs) of marginal plates. The plastron consists of usually 9, rarely 11, dermal bones, viz. paired epi-, hyo-, hypo- and xiphi-plastral plates and the unpaired endo-plastral ; the latter is homologous with the interclavicle, the epi-plastra with the clavicles, the rest with so-called abdominal ribs of other reptiles.

In most Chelonians the bony shell is covered with a hard epidermal coat, which is divided into large shields, commonly called “ tortoiseshell.” These homy shields or scutes do not correspond in numbers and extent with the underlying bones, although there is a general, vague resemblance in their arrangement; for instance, there is a neural, a paired costal and a paired marginal series. The terminology may be learned from the accompanying illus­trations (figs. 1 and 2).

The integuments of the head, neck, tail and limbs are either soft and smooth or scaly or tubercular, frequently with small osseous nuclei.

All the bones of the skull are suturally united. The dentary portion of the mandible consists of one piece only, both halves being completely fused together. The pectoral arch remains separate in the median line; it consists of the coracoids, which slope backwards, and the scapulae, which stand upright and often abut against the inside of the first pair of costal plates. Near the glenoid cavity for the humerus arises from the scapula a long process which is directed transversely towards its fellow; it represents the acromial process of other vertebrates, although so much enlarged, and is neither the precoracoid, nor the clavicle, as stated by the thoughtless. The tail is still best developed in the Chelydridae, shortest in the Trionychoidca. Since it contains the large copulatory organ, it is less reduced in the males. No Chelonians possess the slightest

@@@1 The rule that a man’s motives for exercising his common rights are not examinable involves the consequence that advising or procuring another, who is a free agent, to do an act of this kind can, a fortiori, not be an actionable wrong at the suit of a third person who is damnified by the act, and that whatever the adviser’s motives may be. This appears to be included in the decision of the House of Lords in *Allen* v. *Flood.* That decision, though not binding in any American court, is approved and followed in most American jurisdictions. It is otherwise where a system of coercion is exercised on a man’s workmen or customers in order to injure him in his business. The extension of immunity to such conduct would destroy the value of the common right which the law pro­tects: *Quinn v. Leathern.* The coercion need not be physical, and the wrong as a whole may be made up of acts none of which taken alone would be a cause of action. In this point there is nothing novel, for it is so in almost every case of nuisance. Conspiracy is naturally a frequent element in such cases, but it does not appear to be necessary; if it were, millionaires and corporations might exceed the bounds of lawful competition with impunity whenever they were strong enough. The reasons given in *Quinn v. Leathem are* many and various, but the decision is quite consistent with *Allen* v. *Flood.* However, the Trade Disputes Act will probably have its intended effect of reducing the law on this head to relative insignificance in England.