

cases of construction is very considerable in those countries which have adopted relevant articles similar to those quoted from the Code Napoleon. Thus Senor Roberto Butron, writing in the *Revista de Derecho* (Santiago) concludes that the Chilean courts would, and do on the whole, follow the same construction (vol. 17). At p. 51 he quotes certain Italian decisions, and among these, one of the Brescia Tribunal of the 19th March, 1890, condemning an adulterous wife to compensate her husband for the damage which he had suffered through finding himself alone, without family and without power to reconstitute it.

It is interesting to refer to the Japanese Civil Code which contains specific prescriptions relating to our subject. Art 710: "Whether the case be one of injury to the person, liberty or honour of another, or of injury to his rights or property, a person who has, under the provisions of the preceding article, rendered himself liable for damages must also give compensation for injury other than to rights of property. 711. A person who has caused the death of another must give compensation for damage to the parents, to the husband or wife, and to the children, even in cases where no injury has been done to their rights of property. 723. In the case of a person who has injured another's honour, a court of law may, on the application of the injured party, either in lieu of compensation for damage, or in addition thereto, order suitable steps to be taken for the retrieval of the injured party's honour.

In the German law, as in many other systems, moral damage can only be claimed in addition to damage to person or estate. False imprisonment is an exception and certain sexual offences against females (B.G.B. 847, 1300) such as seduction under promise of marriage, by deceit or menace or abuse of power.

It is difficult not to feel some sympathy with the arguments that no damages should be given for moral injury (1) because the latter is inappreciable in money; and (2) because damages are a penalty, and as such more proper to a criminal law.

It may not be superfluous to point out that many wrongs which occasion moral injury are susceptible of punishment under the penal law and in some countries the criminal courts have jurisdiction to award damages in addition to punishment.—*Law Times*.