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## Annotated Bibliography of Books on Canadian Law Published in 1968

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Commentary

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## Annotated Bibliography of Books on Canadian Law Published in 1968

# ANNOTATED BIBLIOGRAPHY OF BOOKS ON CANADIAN LAW PUBLISHED IN 1968

## *Introduction*

We hoped to be able to produce a comprehensive bibliography of all works on Canadian law published in 1968. However, our list is far from complete. Because of the difficulty of obtaining information, and since there is no central cataloguing of Canadian law books, we were able to annotate only those works which we could obtain in the time allotted.

The annotations are not meant to be book reviews, but were prepared in order to assist the prospective purchaser. They outline the author's aim, approach, and framework of reference.

Whether or not this will become a regular feature in the Osgoode Hall Law Journal will depend on our ability to increase our sources of information. We would like to thank all of the publishers who supplied us with books, those students who worked on the annotations, and especially the staff of the Osgoode Hall Law School library.

NAIRN WATERMAN

*Book Review Editor.*

## BOOKS REVIEWED

Bedard, C. **Le Régime Juridique des Grands Lacs de l'Amerique du Nord et du Saint Laurent** Québec: Les Presses de L'Universite Laval, 1968. 178 pages. (\$10.00).

De l'embouchure du Saint-Laurent à la pointe occidentale du lac Supérieur, la frontière canado-américaine pose des questions de tracé. Elle soulève également des problèmes liés à la navigation, au sauvetage, aux armements, à la pêche et autres utilisations des eaux.

Charles Bédard fait dans ce livre la somme des idées des juristes et des actes des diplomates qui se sont efforcés de concrétiser les règles du droit dans le respect des souverainetés et l'aménagement des intérêts économiques.

De la masse complexe des textes étudiés, l'auteur dégage les principes de base et les intérêts fondamentaux qui éclairent le passé et expliquent le statut actuel des Grands Lacs et du Saint-Laurent.

Source de précieuses références pour tous les étudiants en droit, cet ouvrage constitue également un guide sûr pour ceux qui, demain, seront

appelés — comme le souhaite l'auteur — à substituer des "structures juridiques fortes et cohérentes" aux "palliatifs de la transaction et du compromis."

**Canada Income Tax Regulations Service.** Toronto: Richard DeBoo Ltd., 1968. (\$12.50 installation price; \$7.50 per year continuation price).

This unbound publication of Income Tax Regulations can be constantly kept up to date by supplements sent to each individual subscriber. Each part of the Regulations is prefaced with a historical note tracing the history of that part. Also, there are annotations referring to the section of the Act to which the Part pertains, the page of the Canada Tax Service wherein the subject is dealt with editorially, and any Information Bulletins which may have been issued in relation thereto. Significant appeal cases bearing on a section or group of sections are also listed.

The second section deals with the Schedules to the Regulations, and the third consists of Information Bulletins that have been issued by the Deputy Minister of National Revenue. Following this are the forms in current use that have been "authorized and prescribed" by the Minister of National Revenue. Finally, there is an index listing alphabetically, by subject matter, all of the subjects covered by the Regulations, Schedules and Information Bulletins.

**Canada Tax Appeal Board Cases. Index 1949-1967.** Toronto: Richard DeBoo Ltd., 1968. 602 pages. (\$22.50).

Under the direction of H. Heward Strikeman, Q.C., a group of fully qualified editors has researched and produced this index of Tax Appeal Board decisions from 1949-1967. All subject matter dealt with in the reported cases has been carefully analyzed and indexed alphabetically so as to provide quick access to all cases bearing on the interpretation of the various provisions of the relevant tax law. All cases from Canadian and other jurisdictions cited in the Board decisions have been listed and annotated, and statutes referred to in the cases are tabulated. The table of words and phrases represents the first attempt to assemble in an alphabetical order a compilation of terms which have appeared in the decisions contained in this work.

**Canada Tax Cases, 1917-1967.** Toronto: Richard DeBoo Ltd., 1968. 535 pages. (\$22.50).

Under the direction of H. Heward Strikeman, Q.C., a group of fully qualified editors has researched and produced this index of Canadian tax cases decided in the courts from 1917-1967. All subject matter dealt with in the reported cases has been carefully analyzed and indexed alphabetically so as to provide quick access to all cases bearing on the interpretation of the various provisions of the relevant tax law. All cases from Canadian and other jurisdictions cited in the courts' decisions have

been listed and annotated, and statutes referred to in the cases are tabulated. The table of words and phrases represent the first attempt to assemble in alphabetical order a compilation of terms which have appeared in the decisions contained in this work.

**Canada's Tax Structure.** Toronto: Commerce Clearing House Canadian Ltd., 1968. 80 pages. (\$2.50).

This short work is a brief and handy reference to tax rates in each of the provinces as well as at the federal level. The charts list Canada, the ten provinces and the territories separately. Thus, it provides a quick reference of the relation of the tax rates of one province to any other. All amendments to June 15, 1968 are consolidated in the issue. However, as changes and amendments are issued frequently, those who require up to date information should use a loose leaf form of the information rather than this bound volume.

**Canadian Abridgment**, 2nd ed., Vols 8-11. Corporations and Criminal Law. Toronto: Carswell Co. Ltd., 1968. (\$35.00 per volume).

The Canadian Abridgment is a digest of reported decisions of the Supreme and Exchequer Courts of Canada and the Courts of the Common Law Provinces including Appeals to the Privy Council and also decisions from the Courts of Quebec of Universal Application. It is designed to furnish a complete, definitive and logically presented work of reference for legal practitioners. When complete, the set will consist of approximately thirty-five volumes, with publication at the rate of four volumes per year. Cumulative supplementation maintains the currency of the work and makes for easy access to information. The volumes published in 1968 cover the subjects from corporations to criminal law.

**The Canadian and Foreign Law Research Centre. Proceedings of the Fifth International Symposium on Comparative Law.** Ottawa: University of Ottawa Press, 1968. 248 pages. (\$4.50).

Inaugurated in 1963, the annual symposia have met with increasing interest among Canadian and foreign jurists. This Fifth Symposium was attended by more than 60 distinguished jurists from Belgium, Italy, France, Great Britain, the United States and Canada. It is only natural that Canada, which brings into conjunction two major legal systems should be vitally concerned with comparative law. The Symposium dealt with three major areas: techniques for the interpretation of constitutions, the effectiveness of constitutional guarantees and other governmental declarations on human rights and fundamental freedoms, and creditors' control and legislation in bankruptcy matters. In each section a paper was presented by a Canadian—Professor A. Tremblay, Professor W. S. Tarnopolsky and Professor P. Carignan respectively—and, by two foreign professors. Of special interest to the scholar may be Professor K. Grunawatt's analysis of the courts activism in interpreting the American Constitution.

**Canadian Depreciation Guide.** Toronto: Commerce Clearing House Canadian Ltd., 1968. 220 pages (\$3.50).

The work is a handy reference to federal income tax regulations, orders and rulings in this area. It contains a Table of Depreciation Rates and a Topical Index. Designed as a guide, it sets out the law and regulations concerning capital cost allowances, for income tax purposes, in a form that is convenient, brief, but sufficient to be of valuable assistance when considering income tax matters at the client's place of business. This book will not replace the loose-leaf reporting system, which is a necessity for all tax lawyers' offices, but its compact size and scope of content will make it a welcome addition to the tax consultant's travelling library. It is complete up to July, 1968.

**Canadian Gift Tax Guide.** Toronto: Commerce Clearing House Canadian Ltd., 1968. 180 pages. (\$4.00).

The work concerns the status of gifts for tax purposes. It contains the relevant provisions, and summary type explanations of the provisions of: (1) Income Tax Act; (2) Estate Tax Act; (3) Various Provincial Succession Duty Acts; (4) Sales and Use Tax Statutes. While the book deals chiefly with some pure *inter vivos* gifts, other types, such as incomplete gifts, are briefly discussed. Its purpose is to acquaint the reader with the tax results of gifts on both the giver and the receiver by explanation of the statutes through cited cases and author interpretation of prevalent law.

The book covers the whole of the law of gifts in concise form with a minimum of reasoning explanation. It serves as a handy reference guide to the law, but detailed explanation must be sought elsewhere. The book is aimed at the student and the gift-giving taxpayer.

**Canadian Income Tax for Accountants.** Toronto: Commerce Clearing House Canadian Ltd., 1968. 622 pages. (\$12.00).

**Canadian Master Tax Guide.** 23rd ed. Toronto: Commerce Clearing House Canadian Ltd., 1968. 582 pages. (\$7.50 hardbound; \$5.50 paperbound).

The object of this text is to present a complete, accurate and up-to-date guide to Canadian federal income taxation. It is a simple, factual statement of the law based upon the great mass of original and amending Acts, the regulations, rulings, directives and court decisions relevant to the interpretation and construction of the existing law. Current tax rates under the Excise Tax Act, the Excise Act and the Estate Tax Act are included in this edition, along with summaries of the Canada-U.S. Reciprocal Tax Conventions Articles and the Canada-U.K. Income Tax Agreement.

**Canadian Sales and Excise Tax Guide.** Toronto: Commerce Clearing House Ltd., 1968. 680 pages. (\$7.50 hardbound; \$5.50 paperbound).

**Canadian Workman's Compensation**, 11th ed. Toronto: Commerce Clearing House Canadian Ltd., 1968. 822 pages. (\$8.00).

This work is another in the line of the C.C.H.'s topical statute services. It is published annually and contains all the statutes and regulations, of each province, the federal government and the territories, which deal with the compensation of workmen. Also included is an extremely valuable summary of the basic principles and administrative procedure common to all jurisdictions.

There are tables showing which industrial diseases are compensated by which provinces, and the benefits available to dependants of the deceased or injured workmen for each individual province, on a monthly and lump sum basis. No attempt has been made to include case law and in this respect, the service is limited. The publication may be useful to the practitioner dealing with compensation for personal injury, and it seems to be sufficient to keep him abreast of any statutory or regulatory developments in the area. However, he must turn elsewhere for the judicial interpretation.

**Dale, J. H. Pollution, Property and Prices.** Toronto: University of Toronto Press, 1968. 144 pages. (\$6.00 hardbound; \$2.50 paperbound).

The author looks at some of the perplexing problems of pollution and pollution control in an attempt to propose a practicable approach to control. Although, as he suggests, the book could be called "An Economist Looks at Pollution" Professor Dale's analysis interestingly focuses on property and property rights. The theoretical link between economics and property law is used to analyse the problem and an economico-legal solution is proposed. The book looks at social problems, social decision-making and the close relationship between law and economics. The linkage is between prices and the law of property, or more explicitly, the law of property rights. In chapter V the author examines the difference between absolute ownership and the right to use property. The solution proposed is in terms of making the disposal of wastes a transferable property right.

This short book is the result of a study of the economics of pollution undertaken by the author while on sabbatical leave from his teaching post at the University of Toronto. It would make interesting reading for the lawyer or law student giving him an insight into a pressing current problem which has already been the subject of much litigation and publicity and also presenting a unique view and use of some of our old land law principles.

Di Castri, V. **Canadian Law of Vendor and Purchaser.** Toronto: Carswell Co. Ltd., 1968. 771 pages. (\$40.00).

Mr. Di Castri is eminently qualified to deal with the law and practice relating to contracts for the sale of land in Canada, for he is both a barrister-at-law and solicitor of the Supreme Court of British Columbia, and Registrar of Titles, Victoria Land Registration District. He is the editor of the second edition of Thom's, **CANADIAN TORREN'S SYSTEM.**

This work contains a detailed analysis of contracts for the sale of land, requirements of formality, rules of construction regarding expressions and covenants, the position of the parties pending completion, intricacies of completion, the form of conveyances, and the position of the parties after the conveyance. The author deals with both the Registry and Torrens Systems, but concentrates on the former.

The text bridges the gap between English works dealing with sales of land and Canadian practice in the area. In Canada, sales of land are not, in practice, carried out as formally as they are in England. Similarly agreements for sales of land are based on the installment plan far more frequently in Canada than in England.

This book incorporates Canadian cases meeting uniquely Canadian requirements, and refers to American cases which the author feels are of assistance in stating the current Canadian position in yet untitled areas of the field. Thus, it should prove to be valuable to practitioners and students alike.

Dorion, H. **La Frontière Québec-Terreneuves Contribution à l'Étude Systematique des Frontières.** Québec: Les Presses de L'Université Laval, 1968. 316 pages. (\$5.00).

La Frontière Québec-Terreneuve est une monographie de limologie, plus précisément l'étude d'une frontière litigieuse, celle due Labrador.

Maître Henri Dorion, géographe, présente une analyse exceptionnément fouillée du tracé intérieur de ladite Côté-du-Labrador suivant la décision du Comité judiciaire du Conseil Privé. Tous les aspects de la question sont examinés avec nuance et sûreté, qu'il s'agisse au niveau des données du problème ou à celui des concepts interprétatifs. On suit le ligne frontière au fur et à mesure qu'elle devient coloniale, interétatique, interprovinciale et intranationale.

Dans cette étude sont développées les notions, principes et concepts directement impliqués dans la question labradorienne.

Eaton, K. E. and Chalmers, N. A., **Canadian Law of Customs and Excise.** Toronto: Canada Law Book Co., 1968. 331 pages. (\$15.75).

This work is a guide for practitioners. The statutes are analyzed with reference to Canadian case law and the discussion of the interpretation problems involved will prove valuable.

It gives a broad over-view of the whole field, which is broken down into sections—I. Customs Duties; II. Excise Duties; III. Sales and Excise Taxes; IV. Practice. The chapters in this last section, on appeals and practice, give a brief and fairly complete guide for the practitioner on how to get before the Board and what to expect when one gets there. At the end of the work, the authors have included the Tariff Board Act.

**Expenses Under the Canadian Income Tax Act**, 6th ed. Toronto: Commerce Clearing House Canadian Ltd., 1968. 156 pages. (\$3.00).

This handbook, published by C.C.H., deals specifically with what will and, equally important, what will not be allowed, as deductions under the Income Tax Act. This sixth edition of the work includes all decisions and rulings of the Department of National Revenue up to July 15, 1968. It is designed to give the practitioner a starting point from which to work. Though not a comprehensive text, it is a relatively thorough coverage of this area and a quick reading will serve as a refresher on some of the more obscure interpretations that have been given. Case references and quotations from the relevant sections of the Act are provided. This brief work will be a valuable aid to the practitioner in helping him fulfill his obligations to his client of defining not only what expenses will be deductible, but also what will be included in his income assessment.

**Explorations in Space Law**. L. A. Vlasic, Ed. Montreal: McGill University Press, 1968. 480 pages. (\$11.50).

The purpose of this work, in the words of the editor, is "to make available under one cover a representative selection of aerospace essays by Professor John Cobb Cooper, the first Director of the Institute of Air Space Law in Montreal and widely regarded as one of the outstanding contributors to the study of the legal problems of aeronautics and astronautics."

The book contains twenty-eight articles organized into six sub-divisions: I. Aerospace Law and Power: Some Basic Thoughts; II. Rights in Aerospace: From Antiquity to the Advent of Aircraft; III. The Evolution of the Modern Principle of State Sovereignty in Aerospace; IV. The Legal Status of Flight Vehicles; V. The Emerging Principles of Law for Outer Space; VI. Selected Problems in International Regulation of Aerospace Activities.

The essays range over a whole field of international aerospace relations and each is prefaced by a short note prepared by Cooper himself.

The work also includes a bibliography of all of Cooper's writings (about  $\frac{1}{3}$  of which is in this book), a table of cases, an index of persons mentioned in the book, and a very adequate subject index.

**Falconbridge on Banking and Bills of Exchange**, 7th ed. A. W. Rogers, Ed. Toronto: Canada Law Book Co. Ltd., 1969. 946 pages. (\$40.00).

The Scholarship of Dr. Falconbridge was unquestionably of the highest order and the continued revisions of this text speaks for its monumental status.

The present editor, A. W. Rogers, a former associate counsel for the Canadian Banking Association, has effected a major revision of the subject matter in this seventh edition.

He properly deletes a large number of historical discussions and examinations of defunct law which are well recorded in the previous editions, but are of little relevance in current legal studies. On the other hand, the editor has incorporated any new legislation or case law which, in his opinion, was necessary to give a full and accurate textual analysis.

In short, this text, directed mainly to the student, presents an excellent comprehensive and objective study of banking and bills of exchange.

**Friedland, M. L. Cases and Materials on Criminal Law and Procedure.** Toronto: University of Toronto Press, 1968. 568 pages. (\$20.00).

The book is designed for the basic criminal law course given to Canadian law students. The materials attempt to reflect changes in teaching practice over the past few years. Such areas as the relationship between law and morality, criminal procedure, and sentencing—formerly often reserved for an optional course in the third year—are examined here. No chapter is devoted to specific substantive offences: rather, an attempt has been made to cover many of the more important offences, such as murder, manslaughter, rape and robbery, through the selection of cases used throughout the book. The book raises many interesting issues through the juxtaposition of materials advancing different points of view, and leaves the reader to sort out his own conclusions, although the author's biases are usually evident. In general, the book is merely a collection of cases and articles and therefore, is inappropriate for quick reference. However, it does include many interesting areas and materials which seem otherwise unavailable, as evidenced by his detailed tracing of the *Truscott* Case and his perceptive chapters on double jeopardy and sentencing. This book should be of great interest and use to anyone interested in criminal law.

**Gibson, R. D. and Sharp, J. M. Privacy and the Law, Report No. 1: Privacy and Commercial Reporting Agencies.** Winnipeg: Legal Institute of the University of Manitoba, 1968. 31 pages.

This short pamphlet is the first material published under the auspices of the Legal Institute of the University of Manitoba. The Institute plans to co-ordinate further legal research into specific topics, one of which is the law of privacy.

In an increasingly credit-oriented economy, the need for dependable information, upon which credit can be extended, has created a need for credit bureaus. This report attempts to evaluate the extent to which the activities of these information brokers invade the privacy of the subjects of their files. The recommendations, based on research done in Winnipeg, reflect the authors' view that the collection and distribution of information for credit rating purposes is a commercial necessity. However, they feel that this activity should receive increased public attention and should be subject to some form of government regulation.

While recommendations are designed to prevent or, at least, discourage the recording of inaccurate or misleading information and its subsequent misuse for unjustified purposes. There seems to be an area in which the report is lacking—surely it is necessary to define the limits of a person's right to privacy, before evaluating the extent to which such a right is violated.

Hopefully, the series as a whole will satisfy this requirement. If the series is successful, it may provide a definition of the Canadian citizen's right to privacy, which could be compared to the definition produced by judicial interpretation of the Bill of Rights.

Giguere, M., **Les Devoirs des Dirigeants de Société par Actions**. Québec Les Presses de L'Université Laval, 1968. 50 pages. (\$8.00).

Dans le complexe moderne des convergences droit-économie, ce livre est une appropriation juridique de certains phénomènes qui bouleversent aujourd'hui le monde du commerce et plus particulièrement l'activité des sociétés par actions. Fixe sur l'armature juridique qui caractérise le system anglo-Canada-Québécois, il propose à l'attention du praticien du droit, tout comme à celle du monde des affaires, un inventaire de normes qui guident aujoud'hui l'activité des administrateurs de sociétés. Les rubriques de l'ouvrage évoquent aussi bien les impératifs internes suggérés par l'administration quotidienne des sociétés que la mise en aptitude des pouvoirs publics et privés à les contraindre. A ce dernier titre, l'ouvrage est susceptible d'intéresser les technocrates et politico-logues aussie bien que les vérificateurs et comptables.

C'est un ouvrage de droit, de droit compare. Il constitue, à une époque ou les frontières s'abolissent, un essai dans un genre peu explore.

Au Canada, c'est le premier ouvrage de cette nature en langue française.

Goldsmith, I. **Canadian Building Contracts**. Toronto: Carswell Co. Ltd., 1968. 194 pages. (\$13.75).

This work is a timely exposition of the legal rights and obligations created in the exacting and increasingly complex construction industry. It is a brief insight into Canadian common law in the area and is not just a repetition of works applicable to building contracts finding their bases in the English legal system.

The author surveys the spectrum from contract formation to remedies on default, and engages in somewhat closer scrutiny of the fields of payment, relationship with sub-contractors, architects and engineers. Custom is an underlying theme.

Canadian practitioners will find the book useful; however, the solicitor may regret the absence of standard forms of construction contracts. The author has purposely excluded these to discourage their indiscriminate use, since they often create more problems in the construction industry than they solve and such forms have not received general recognition in the field.

As a text, the student wishing to concentrate in this area will find the concise yet comprehensive analysis thought-provoking. A complete Table of Cases and Index frame the work.

Goldsmith, I. **Damages for Personal Injury and Death in Canada**, 4th Supp. Toronto: Carswell Co. Ltd., 1968. 425 pages. (\$13.25).

Gotlieb, A. E. **Canadian Treaty Making**. Toronto: Butterworth's Ltd., 1968. 107 pages. (\$7.50).

The author of this introductory text on the treaty aspects of international relations is at present Assistant Under-Secretary of State for External Affairs, and also legal advisor to that Department. The book draws on material generally available to the public and deals with the mechanics of how Canada enters into international agreements. There is a fairly useful section where the form and volume of Canadian treaties through the years is examined with the aid of tables and graphs.

Legal aspects of treaty making, both Canadian and international, are discussed in a straightforward, expository style. However, the book does not deal in any real way with the difficult Canadian constitutional-political problems of treaty implementation and Provincial agreements. Easily read at one sitting, the book is a good place for anyone interested in treaties to start.

**Le Guide Contribuable Canadien**. Toronto: Commerce Clearing House Canadian Ltd., 1968. 760 pages. (\$7.50 hardbound; \$5.50 paper-bound).

French translation of the Canadian Master Tax Guide. See above.

Holmested, G. S. and Gale, G. C. **Ontario Judicature Act and Rules of Practice**, Vol. 1. Toronto: Carswell Co. Ltd., 1968. (\$37.50).

In 1890, G. S. Holmested and Thomas Langton produced the first edition of "The Ontario Judicature Act and Rules of Practice." Five successive editions were published and now this long awaited new edition is avail-

able, bearing the names of Holmsted and Gale. This permanent, loose-leaf edition will undoubtedly maintain its established reputation as a leading work on practice and procedure. Henceforth, any additions or amendments will be handled by annual supplements.

The entire work is comprised of four volumes, but as of the end of 1968, only the first volume was available. The remaining three will be published by September, 1969. Volume I contains the Judicature Act and Rules 1-110; Volume II contains Rules 111-493; Volume III contains the remainder of the Rules, Matrimonial Causes Rules, forms and tariffs; Volume IV has a Table of Cases and an Index. All amendments up to July 1967 are included.

The editors have endeavoured to leave the character of the work as it had previously been, but they have made some improvements in the format.

**Hopkins, E. R. Confederation at the Crossroads; the Canadian Constitution.** Toronto: McClelland and Stewart, 1968. 423 pages. (\$22.50).

This study was written as part of Canada's great centennial efforts, and is an interesting mixture of history, political science and law. The author analyses the English background and then the historical development of our own constitution both before and after Confederation.

The history chapters of about 178 pages are remarkably comprehensive. The author then analyses the nature and structure of the British North America Act and devotes a long chapter to how the courts have interpreted and expanded it. This chapter provides an excellent review of the basic principles of the Canadian constitution and of the leading cases in this area. Next the author focuses on two problems of current interest—external affairs, and formal amendment. Lastly, the author examines the present House of Commons, the senate and the executive. This book is detailed and factual and would be useful background reading for anyone interested in Canadian constitutional law and politics.

**Income Tax Problems.** Toronto: Commerce Clearing House Canadian Ltd., 1968. 165 pages. (\$4.50).

This is a book of problems on the application of Canadian income tax law. It is of general interest to students of that area.

The division of the problems is clear, and those in a specific section are easily identified. For example, non-resident's tax is a separate division. The book is entirely made up of problems. The answers are not given, but sources and the pertinent sections of the Act are. The book should be useful to anyone wishing to apply academic study of Canadian income tax to current tax problems.

Lang, O. E. **Contemporary Problems of Public Law in Canada.** Toronto: University of Toronto Press, 1968. 171 pages. (\$5.95).

This volume consists of a collection of eight essays written by college and law graduates of the University of Saskatchewan and is dedicated to F. C. Cronkite, the now retired Dean of the College. Contributors include the current Deans of the Queen's and University of Saskatchewan Law Schools, the President of the Exchequer Court of Canada, and the Canadian Consul General—Hamburg, among others. A wide range of subject matter is presented, including such areas of interest as labour strife, combine regulation, freedom of the press and the Canadian Bill of Rights. Most of the articles are specialized and detailed, aiming at, presumably, those well versed in complexities of current Canadian public law issues.

Beyond highlighting more important issues of this general area of the law, the book is not organized so as to provide comprehensive argument, nor was this the editor's purpose. Rather, the volume is a vehicle of expression for several of the law school's most successful alumni in the area of specialization of its former Dean. As such, it contains diverse and stimulating viewpoints of a topic of ever enlarging importance.

Law Society of Upper Canada. **Special Lectures. Developments in Company Law.** Toronto: Richard DeBoo Ltd., 1968. 396 pages. (\$17.50).

This work is the 1968 volume in the continuing series of lectures put forth by the Law Society's Education Committee. It is a collection of essays by eminent legal practitioners and academics including Mr. R. C. Meech, Q.C.; Mr. G. E. Crebe, Q.C.; Mr. Harry S. Bray, Q.C. (Ontario Securities Commission) and Professor I. R. Feltham, Osgoode Hall Law School.

Although each lecturer presents his material in his own particular way, the general approach is an informative one, dealing with the specific issue at hand. J. D. Ground surveys recent case law on the subject of the corporate name in "Corporate Names and Capital Structure." Directors' powers are carefully considered by John Clarry; and D. Menzel has an excellent article on corporate reorganization. Ivan Feltham has a piercing article on "Lifting the Corporate Veil," and R. A. Davies surveys the possible future developments in company law.

The book is not for the expert who wants to know more; but it is a good comprehensive selection of important topics that gives more than a cursory view. It is highly recommended to those who wish to know more about a particular field without having to work through hundreds of pages.

McWhinney, E. **Judicial Review.** Toronto: University of Toronto Press, 1969. 270 pages. (\$18.50).

The book should be of special interest to the political scientist. The author, by using a comparative approach, attempts to investigate and

analyse policy-making judicial decisions—that is, those cases in different countries which not only effect the final authoritative interpretation of the constitution, but also in effect “re-write it to meet changing social conditions and needs.”

Mr. McWhinney concentrates on those countries which are usefully termed the beneficiaries of the English System (including the United States), although, in this 4th edition he makes reference wherever practicable to the judiciary of the countries of Western Europe, especially West Germany.

The Canadian student of Constitutional Law should find especially interesting Mr. McWhinney’s analysis of the decisions of Privy Council, in which the author seeks to demonstrate that the myth “that judges do not make law but rather apply it” is not only presently untrue but also historically untrue.

For easy readability, McWhinney employs a forthright narrative style concentrating, in the main, only on the leading cases of the various countries considered.

Neil, A. V. **Estate and Gift Tax Handbook.** Toronto: Richard DeBoo Ltd., 1968. 341 pages. (\$9.50).

This handbook features a non-technical explanation of all of the important operative provisions of the federal Estate Tax Act and of the four provincial succession duty statutes. The factors which determine who is liable for death duties are clearly set out, followed by a step by step analysis of how the aggregate value of an estate is calculated, the exemptions deductible therefrom, and the computation of tax and duty.

In the appendix, not only are the five relevant Statutes reproduced in full (the federal Estate Tax Act, the Alberta Estate Tax Rebate Act, and the succession duty Act of Ontario, Quebec and British Columbia), with their accompanying Regulations, all as amended to June 1968, but also an ample non-technical exposition is given for all of the principle operating provisions of those statutes, with illustrations of the method of calculating tax and duty in various circumstances.

Plunkett, T. J. **Urban Canada and the Government: A Study of Municipal Origin.** Toronto: McMillan of Canada Ltd., 1968. 178 pages. (\$3.30).

**Preparing Your Income Tax Returns.** Toronto: Commerce Clearing House Canadian Ltd., 1968. 188 pages. (\$3.00).

This work deals with problems which may arise in filling out sections of a tax form. It offers sample forms, definitions and mathematical examples.

**The Report of the Smith Committee on Taxation; A Synopsis.** Toronto: Commerce Clearing House Canadian Ltd., 1968. 240 pages. (\$4.00).

Rowatt, D. C. **The Ombudsman: Citizen's Defender**, (Revised ed.) Toronto: University of Toronto Press, 1968. 388 pages. (\$8.50 hard-bound; \$2.95 paperbound).

The idea that legislatures should appoint an Ombudsman—an officer to receive and investigate complaints from citizens against unfair administrative action—is gaining wider and wider acceptance. The editor assembled a collection of essays with the hope of explaining the role and procedures of the Ombudsman and to correct many current wrong impressions. The papers are by experts from each country using such a system, and include the Swedish Chancellor of Justice, many present and former Ombudsmen, and an eminent Danish judge. The essays reveal the significant variations which exist in the many current arrangements. The book will be of interest to the legally trained reader as he may balance the arguments and ideas proposed against his own knowledge and observations of the administrative process. The author deals with the Canadian situation only briefly. He observes that the Ombudsman idea had been at least placed officially before all the provincial governments except one. The author and the topic generally belong to the political sciences; however, if these proposals are adopted, the ideas expressed in this book may be of value to the lawyer in attempting to deal with administrative tribunals.

Salhany, R. E. **Canadian Criminal Procedure.** Toronto: Canadian Law Book Co. Ltd., 1968. 288 pages. (\$13.75).

This work is a sound introduction to a hitherto neglected area, much in need of an up-to-date text. The purpose of the work, as established by the preface, is to set out and examine the principles and procedures governing the trial and appeal of indictable offences under the Criminal Code. There is, in addition, a chapter dealing with the extraordinary remedies of *habeus corpus*, *certiorari* or motion to quash, prohibition and *mandamus* and the role which these remedies play in the criminal law. Finally, a number of forms dealing with motions at trial, appeals and extraordinary remedies have been added to complete the book.

It is a black letter law book and not an exhaustive treatment of the area. Difficult theoretical problems are not dealt with to any great extent but references are given so that the reader might do further research. Thus the book is meant to be used by the student or the lawyer, inexperienced in criminal procedure.

Samuels, J. W. **Legal Citation for Canadian Lawyers.** Toronto: Butterworth's, 1968. 34 pages. (\$2.50)

The author is an Assistant Professor of Law at the University of Alberta. Canada has long needed a guide to citation in order to bring a degree

of professional uniformity to our rather amateurish offhandedness with citation. Unfortunately, Professor Samuels provided one.

The manual is defective in every respect except in the fact of its existence. It is far too brief to be able to assist the legal scholar or, for that matter, the practitioner, with the complex problems on citation, as it purports to do. Secondly, a valuable opportunity to rationalize our own system with the more professional one in the United States was lost. Unable to countenance a book such as the excellent Harvard Law Review *UNIFORM SYSTEM OF CITATION*, because, for example, it cites our Western Weekly Reports as West. Weekly R. instead of W.W.R. Samuels rejects it all. Thus, many simple moves could have been made toward harmonizing ours with the American system simply were not made.

Samuels ignores other Canadian efforts to bring uniformity to our system. His list of abbreviations for periodicals differs in key respects from that chosen by the Canadian Index to Legal Periodicals.

The very concept of a manual to effect uniform citation implies that someone will have to change his methods somewhat. Yet Samuels has not been courageous enough to ask for any change toward a more streamlined, rational system.

Sheppard, C. **L'Automobile et la Loi**, 3e ed. Montreal: Editions du Jour, 1968. 144 pages. (\$1.50).

Sissons, J. H. **Judge of the Far North**. Toronto: McClelland and Stewart Ltd., 1968. 190 pages. (\$6.95).

The book is a delightful story of an unconventional man. In rapid fashion, Judge Sissons takes the reader through his childhood in Orillia, Ontario; through his experiences as a country school teacher; through his University education at Queen's; through his legal experiences in Grande Prairie, Alberta; through a term in the House of Commons; through his appointment as a District Court judge in Lethbridge; and, finally, to his elevation to judge of the Territorial Court. In the remainder of the book, Judge Sissons describes his judicial work and some of the outstanding cases which came before him.

The portrait which emerges is that of a strong-willed, independently-minded crusader for justice. In that unknown world at our Canadian boundary, courts are grappling with primitive problems faced by emerging legal systems five hundred, and even a thousand years ago. In a witty and delightful fashion, Judge Sissons enables us to enter that world and to become a part of it.

Smyth, J. E. and Soberman, D. A. **The Law and Business Administration in Canada**, 2nd ed. Toronto: Prentice Hall Ltd., 1968. 648 pages. (\$8.95).

This text, aimed at university commercial law courses, contains an encyclopedic survey of the law which affects the average businessman.

Because of the breadth of its scope, the individual areas, of necessity, are treated accurately but cursorily. The book provides a useful background to these areas for the businessman, but would be of little help to the practitioner or law student. It is an excellent survey for the general reader, businessman or university study. This new revision contains two additional chapters on negotiable instruments and an introductory chapter on the law of torts.

Strayer, B. L. **Judicial Review of Legislation in Canada.** Toronto: University of Toronto Press, 1968. 280 pages. (\$15.00).

The author examines the foundations of judicial review of the validity of legislation in Canada and the anatomy of a constitutional case. Professor Strayer analogizes from the use of clauses, in an attempt to preclude judicial review of constitutional validity. The creation of a new Constitutional Court is suggested which would preclude the Supreme Court or Exchequer Court from hearing constitutional cases. The author deals with substantive constitutional law doctrines, the ways in which constitutional issues arise, the standing required to raise them and the judicial techniques applied to their resolution. The author analyses the particular advantages and disadvantages of the constitutional reference. He discusses the elements of a constitutional decision including the application of statutory construction to constitutional adjudication, and he analyses the various types of extrinsic evidence which have been adduced in constitutional litigation. Professor Strayer concludes with a brief look into the future. This book raises primarily the issues of whether the Supreme Court ought to become politicized and whether or not this will satisfy the problems facing Canadian federalism.

**Studies in Canadian Tort Law.** A. M. Linden, Ed. Toronto: Butterworth's 1968. 612 pages. (\$27.00).

This volume, dedicated to the memory of the late Cecil A. Wright, is a series of eighteen essays by persons connected with the Canadian legal scene. Ten were written specially for this volume; eight have appeared elsewhere, in whole or in part, previously.

Amongst the vintage items are three articles by Dr. Wright, including his brilliant exposition "Res Ipsa Loquitur" in the 1955 Law Society Lectures on Evidence. Of this genre, also, is Malcolm MacIntyre's classic Harvard Law Review essay "Last Clear Chance."

Amongst the fresh material most worthy of mention are Professor Weiler's exciting policy-oriented essay on controlling police through tort sanctions, Mr. Justice Haines' intriguing exhortation on the merits of the jury in civil cases, and Professor Mendes da Costa's exhaustive analysis of all aspects of tort in relation to the marital relation.

This cross-selection of the best of the essays is illustrative, however, of the major difficulty with this volume—that is, its unevenness in style and

approach. A number of the articles skim broad areas lightly; others confine themselves narrowly and deal in depth. Some are analytical, others pragmatic, still others, sociological. Some are cries for reform, others simply state the way it is. As might be expected, the writing skills displayed vary widely. However, this difficulty is noted both in Dr. Linden's preface and in the publisher's jacket as inherent in the nature of the project.

Its great virtue is its Canadian focus. While certainly not a text, it does touch on most of the main topics of tort law in terms of Canadian problems and Canadian jurisprudence. Undoubtedly, this book's largest market will be in the law schools and amongst law students—the market at which it is aimed. However, in the potpourri are items of value for all segments of the legal world, even, courtesy of an appendix to Mr. Justice Haines' article, the trial judge seeking advice on the appropriate form for his charge to a jury in a civil case.

**Tax Consequences of Canada-U.S. Employment Transfers.** Toronto: Commerce Clearing House Canadian Ltd., 1968. 32 pages. (\$2.50).

This booklet is intended to deal simply with the tax position of the employee, and, more specifically, with the tax position of employees who, as residents or citizens of the U.S., render services in Canada, or, as residents or citizens of Canada, render services in the U.S.

**Trudel, P. La Traite de Reciprocite, 1854.** Ottawa: Editions de Université d'Ottawa, 1968. 122 pages. (\$3.50).

**Yearbook of Air and Space Law, 1967** ed. R. H. Mankiewics, Ed. Montreal: McGill University Press, 1968. (\$25.00).

This is the second volume of an annual publication produced by the Institute of Air and Space Law designed to provide in a concise form up-to-date information and documentation on air and space law to meet the needs of student, administrator and legislator. The high standard of research and broad scope of these volumes fills a gap in legal literature which is of growing importance. The book is useful as a reference source as it collects information and documentation in both air and space law.

