REVIEWS AND NOTICES

Monopolies and Patents: A Study of the History and Future of the Patent Monopoly. By HAROLD G. FOX, K.C., M.A., Ph.D., Litt.D. Toronto: University of Toronto Press. 1947. Pp. xxv, 388. ($10.00)

This book is devoted mainly to a discussion of the development and destiny of the patent system. Although it expresses a Canadian viewpoint, the facts given and the views expressed are also revelant to other countries, particularly Great Britain and the United States.

The work provides a historical record of early statutes and leading cases dealing with monopolies and explains how they have affected industrial development and our present patent system. Dr. Fox's analysis of the historical background of these laws will correct many false ideas about the so-called evils of monopolies which have been handed down and exaggerated through the years. For instance, one common impression is that the main purpose of early English sovereigns in granting monopolies was to create and augment their personal fortunes. This was not so and, although the monopolies proved profitable to both the public exchequer and the persons who enjoyed them, the profit motive was not the main consideration that prompted our Kings and Queens to grant them.

There can be no doubt that many early monopoly holders grossly abused their privileges. This led to attacks on the system, which in turn gave rise to the erroneous conclusion that modern patent acts are an outgrowth of the former practice of granting monopolies. As Dr. Fox points out, the abuse of early monopolies was only an incidentin the growth of our patent laws, which have been proved conclusively to be necessary to the economic and industrial developments of progressive nations. A study of this book should convince the reader that improvements in the system should be accomplished by correcting abuses and not by destroying a sound and beneficial system.

One of the most difficult problems confronting our courts and patent examiners is to distinguish between a new idea sufficient to constitute an "invention" and one that is a mere "workshop improvement". The idea must contain "subject matter" if it is to be classed as an invention for which a patent may properly be issued. The author accuses the courts of making laws which lead to the necessity for subject matter to support a patent because, under the early British system from which our own developed, all that was required for a patent was to show that the idea was novel. The necessity, under our laws, of distinguishing between an invention and a workshop improvement has been largely responsible for the divergence of opinion among judges as to whether patents, in litigation, are valid or invalid. Dr. Fox urges that we revert to the former system of granting patents for all new ideas without regard to whether they contain that more or less intangible element called "subject matter".

There is no doubt that here a serious problem emerges, but the author of this book will not find general acceptance for his proposed remedy. In the first place, at least part of the trouble must be attributed to irresponsible or unqualified attorneys who seem to prefer the immediate and higher rewards that result from obtaining a patent of questionable

validity to a more modest fee for advising the client that any patent protection that might be obtained would be of little or no practical value.

If our courts have developed a jurisprudence requiring subject matter to support a patent, I suggest that no great harm has been done, because a requirement of this sort would probably have found its way into our statutes in any event. Without this requirement, industry could be seriously handicapped by having to waste valuable time and effort reviewing and litigating patents covering minor improvements which might very well be developed simultaneously in several plants.

While Dr. Fox has made out a *prima facie* case showing judicial uncertainty in this field, which calls for a further effort on the part of our governing bodies to improve the laws, it should be remembered that similar problems arise in other branches of law. Our courts must continually determine whether there has been negligence in damage actions and *mens rea* in criminal cases. Wide difference of opinion on these subjects can be observed. The problem of determining if a patent discloses subject matter should be no more difficult than ascertaining whether there has been negligence or *mens rea* in other types of cases.

The book under review will doubtless stimulate a discussion of this problem and thus lead to a further improvement in our laws. In the meantime, inventors and industrialists can take consolation from the fact that in a democratic country they are always entitled to have their day in court to settle the various questions that can arise with respect to patents.

We are indebted to the author for a useful explanation of the differences among various types of monopolies. He has pointed out where Canada has deviated from Great Britain and the United States in the formulation of her patent system. The advantages of each are indicated. For those who wish to delve into the remotest details of the subject, the author has included appendices containing a most interesting collection of early cases and statutes. The Report of Grievances presented by the House of Commons to James I and His Majesty's famous Book of Bounty are also in the appendices.

Dr. Fox had displayed his usual courage in expressing views on controversial points. He has not been reluctant to criticize where he felt that criticism was due. This, however, makes the book more valuable and stimulating, for the problems are clearly stated and fairly discussed from all angles.

E. GORDON GOWLING

Ottawa

* * *

The Record of American Diplomacy: Documents and Readings in the History of American Foreign Relations. Edited by RUHL J. BARTLETT. New York: Alfred A. Knopf. 1947. Pp. xx, 731, xvii. ($6.00)

In this stout volume, which runs the gamut in foreign relations from the Treaty of Whitehall of 1686, proclaiming "firm peace, union, concord and good correspondence, both on land and on sea between the French and British nations in both North America and South America", to the Truman Doctrine of 1947, Dr. Bartlett has put every student of American diplomacy

in his debt. By apt selection of source material he has realised his aim that "students should be able to compare policies adopted at different times regarding the same area or subject, trace the evolution of major policies, and examine the reasonings used to defend or advance American foreign interests". Thus the section on the genesis of the Monroe Doctrine begins with the Russian ukase of 1821, includes the Polignac memorandum and ends with the frank observations of John Quincy Adams to the Colombian Minister. The development of inter-American relations is traced as a unit from 1900 to 1947. Similarly Economic Foreign Policy is illustrated from 1921 to 1947. Wartime Diplomacy, 1941 to 1945, includes not only Lend Lease and Relief and Rehabilitation, but also the dissolution of the Communist International and the texts of the communiques issued after the conferences of the Big Three. The author has also shown imagination in his assembling of sources. Besides the inevitable inclusion of treaties, state papers and diplomatic notes, he has included noteworthy editorials, senatorial speeches and such unexpected items as Charles Lindbergh's arguments for isolationism in 1941. In short Professor Bartlett has followed in admirable fashion Al Smith's admonition, "Let us look at the record".

Having said this, your reviewer cannot refrain from offering the suggestion that the material on Canadian-American relations could have been broadened to include Roosevelt's views on the Alaska boundary in 1903, the revision in 1946 of the Rush-Bagot agreement of 1817 and the Joint Declaration on Defence read by the Prime Minister to the House of Commons on February 12th, 1947. He must also confess some surprise that Wilson's skilful handling of the German peace overtures in October 1918 was not illustrated.

A careful study of the documents should convince the reader, if that is necessary, that Americans have always been well able to take care of themselves in diplomatic negotiations and were not the dupes of cunning European diplomats as has so often been alleged. Whether it be Franklin working for a generous peace with Britain, Livingstone angling in Paris for New Orleans and coming away with the Louisiana Purchase, Seward laying down the law to Louis Napoleon about French troops in Mexico or Mr. Hull describing his conversation with the Japanese Ambassador in 1940, the documents show able and patriotic men striving for what Dr. Bartlett calls "the grand theme of American diplomacy; the application of practical policies best designed under existing circumstances to achieve ultimately the greatest possible freedom and happiness of the American people".

The volume is well printed and equipped with concise explanatory notes on the material, a short bibliography and a good index.

F. H. SOWARD

University of British Columbia

* * *

Men of Law: From Hammurabi to Holmes. By WILLIAM SEAGLE. Toronto: The Macmillan Company of Canada Limited. 1947. Pp. 391. ($5.00)

For men of law, this book belongs in Bacon's narrow category — it is a book to be chewed and digested, to be read wholly, and with diligence and attention.

In a continuous narrative, Mr. Seagle seeks to tell, in terms of great artificers of the law, the story of the law's slow and laborious growth from the age of Hammurabi to the days of Holmes. In describing primitive man's struggle to lay the cornerstones of legal order, he strikes the keynote of his thesis: "The whole struggle for law was for him a struggle for peace and the whole story of his efforts may be told in terms of a series of limited and precarious peaces — the peace of the kindred group, the peace of the market, the peace of God, the peace of the king. Each peace took long to achieve and was never perfect. Today we still hope for a peace of nations. Each of these peaces, except perhaps the peace of God, is now disguised as a "branch" of modern secular jurisprudence. The peace of the kindred group is family law, or the law of domestic relations. The peace of the market is the civil law, which governs property and contracts. The peace of the king has become the modern criminal law."

Hammurabi, King of Babylon, author of the first written legal code of which historians have knowledge, is the first of Mr. Seagle's men of law. Hammurabi's code opens with the kingly boast: "Law and justice I established in the land. I made happy the human race in those days." A tall order! And one may well question whether debtors or adulterers were happy in ancient Babylon. Or even judges, for whom section 5 of Hammurabi's code makes interesting provision: "If a judge has heard a case and given a decision, and delivered a written verdict, and if afterwards his case be disproved, and that judge be convicted as the cause of the misjudgment; then shall he pay twelve times the penalty awarded in that case".

The second lawgiver to claim Mr. Seagle's attention is Solon of Athens. Plutarch tells us that when Solon was asked if he had left the Athenians the best laws that could be given, he replied, "The best they could receive". Solon had no illusions. He believed that man had to learn to creep before he could walk. His laws were unique for their time in this — they reflected not the will of a despot, but the voice of a limited democracy. His special contribution to the development of legal science was, as explained by Mr. Seagle, "to shift the emphasis from the written word of the legislator to the method of the law's administration; from the texts themselves to the men who would interpret the texts". Solon took a practical view of law. Not for him the comforting philosophy: whatever is, is best. To him is credited the saying that "laws are like cobwebs in that if any little thing fell into them, they held it fast, but if a thing of any size fell into them, it broke the meshes and escaped".

Next to claim Mr. Seagle's attention is Gaius, the Roman, whose Institutes, which exerted a profound influence on Roman law for several centuries, was the first legal textbook of its kind. Gaius contributed to the growth of law by devising a system of legal classification. "The whole body of our law" he said "relates either to persons, or to things, or to actions." Mr. Seagle comments thus on this classification: "The first of the four books into which the Institutes is divided deals with the law of persons, the second and third with the law of things, and the fourth book with the law of actions. It has remained a characteristic of jurisprudence ever since to concern itself less with the law of persons than with the law of things. Indeed, the law of persons has been only another aspect of the law of things. It is primarily as the possessors of property that persons have aroused the interest of the jurist."

The author's fourth man of law is Justinian, Emperor of the East. Lord Brougham says somewhere that, before Justinian, Roman law would overload the backs of many camels, but that after him it could be carried in the head of one man. These words sum up Justinian's contribution to the development of legal science. He assembled the laws of the Romans in one big book. Mr. Seagle does not regard this mighty labour of codification as an unmixed blessing. Due to the direction given by Justinian, he says, "Legal science was to become ultimately the art of discovering the logical limits of every word. It was to become a science of the book rather than of life. The law was shaped by the words in the book rather than by the needs of life."

Fifth in Mr. Seagle's catalogue of men of law is Hugo Grotius, the founder of the science of international law. Grotius qualified as a lawyer in his native Holland at the age of seventeen. The petty concerns of the lawyer's daily life — "dripping eaves and party walls" and so on and so forth — proved far from his liking. He sent his restless mind in search of larger legal problems. After years of wrestling with such problems, his thoughts were crystalized into his monumental The Law of War and Peace, which sought to give nations a code by which to govern their conduct towards each other in war or in peace.

Sixth is Edward Plantagenet, the first Englishman in Mr. Seagle's gallery, during whose reign the common law — so called because it became the law common to all Englishmen as such — began to show signs of maturity. Mr. Seagle characterizes him as the greatest of all the early English kings, a well-deserved tribute in view of the impetus gained during his reign by those two institutions — Parliament and the jury system — without which England could not have become the shining star that she is in the firmament of nations.

Seventh of Mr. Seagle's men of law is Thomas Egerton, Baron Ellesmere and Viscount Brackley, the most aggressive of the early Keepers of the King's Conscience. In the days of its infancy the common law began to display a tendency to freeze into a set of rigid rules. When this tendency became well-defined, courts of chancery were established to moderate the hardship caused in particular cases by the fixed and immutable rules of the common law. The great weapon of the Lord Chancellor, who presided over these courts, was the Writ of Injunction, by which litigants were ordered to act in accordance with the dictates of conscience. This rule of conscience in the early days of the Courts of Chancery coincided with the views of the Lord Chancellor. His word was law. And his word was dictated by his social, political and economic philosophies. Behind the judge stood the man. This state of affairs prompted the gibe that equity varied according to the length of the Lord Chancellor's foot. During Lord Ellesmere's tenure of the Great Seal, equity gained ascendency over the common law. For all its pretentious talk of conscience, equity fell far below even a moderate standard of perfection. It was never the poor man's friend — and poor men have ever been the majority of mankind. As Mr. Seagle points out, it showered its chief favours upon the landed aristocracy and the rising merchant class. Indeed, Lord Ellesmere himself made an order that paupers who sued in the Court of Chancery without adequate cause (whatever that may mean) should be whipped.

Eighth and ninth in Mr. Seagle's gallery are Sir Edward Coke, "the greatest name in the history of the common law", and Sir William Blackstone, the man of law who taught jurisprudence to speak the language of the scholar

and the gentleman: both of whose labours in the vineyards of the law are too well known to need further reference.

Tenth is Cesare Bonesana, Marchese di Beccaria, who exerted his talents in the reform of criminal law, which through the ages had not kept pace with civil law. "The great jurists", to quote Mr. Seagle, "as immemorially since Roman days, devoted their best energies and talents to the civil law, in which men's property was at stake, and left to the cultivation of insensitive and inferior intellects the problem of public prosecution, in which the very lives and honor of men were at stake." Beccaria's was the first first-class mind to give its consideration to the reform of criminal law.

"Beccaria has been called the greatest of criminal law reformers. But his remarkable achievement is not adequately evaluated in terms of criminal-law reform. He did not reform the criminal law: he created it." He created the criminal law, but he did not create it perfect, once and for all time. And perfection in the criminal law will be approached in this modern day, when, as Mr. Seagle suggests, scientific considerations are permitted to prevail over political considerations in the treatment of crime and criminals.

Eleventh of Mr. Seagle's great men of law is Jeremy Bentham, who perhaps made a greater impact on the reform of English law than any man before or since his day. Bentham was the founder of the philosophy of utilitarianism. His legal thought reflected this practical philosophy. Laws were to be judged by their utility. Man based his conduct on considerations of pleasure and pain. Laws were useful only if they produced a balance of happiness. Precedent was a false guide. The antiquity of a law was no reason for its continued existence. Unless it could meet the test of utility, a law should be scrapped. Such, in a nutshell, was the legal philosophy of Jeremy Bentham, of whom Sir Henry Maine said: "I do not know of a single law reform effected since Bentham's day which cannot be traced to his influence".

Twelfth is John Marshall, who was nominated Chief Justice of the Supreme Court of the United States by President Adams, a few weeks before he and his Federalist regime were swept out of office by Thomas Jefferson and the Republicans. Adams plugged the benches of the country with "old guard Federalists" before handing over the reins of office to Jefferson. He appointed John Marshall as Chief Justice because he felt that he could be trusted to keep the Supreme Court free from the taint of the Jeffersonian brand of democracy — which he would have characterized as bolshevism if the word had then been current. Marshall measured up to Adam's expectation. As a judge he was true to the political faith of Federalism. That element which is never in the record but always in the case — the human element — gave direction to his judicial thought. His name will be linked forever with the institution of "judicial review". He wielded the sword of judicial review in support of his political theories. Speaking of this peculiar legal institution, Mr. Seagle says its whole history "may perhaps be summed up by describing it as a legal device for safeguarding the interests of the wealthy and the privileged, which was sold to the American people in the fair name of nationalism". Mr. Seagle has only a qualified enthusiasm for Chief Justice Marshall. The Chief Justice was certainly not without his shortcomings. What think you, men of law, of a judge who is reported to have said: "The acme of judicial distinction means the ability to look a lawyer straight in the eyes for two hours and not hear a damned word he says"?

Mr. Seagle's thirteenth man of law is the German, Rudolf von Jhering, whom he describes as "the pioneer of the basic modern trends in jurisprudence". The kernel of Jhering's legal thought was the proposition that law is a means to an end — not a system of abstract rights but a method of reconciling conflicting interests. "Doubtless there had always been jurists who suspected that the law served some social purpose", says Mr. Seagle. "The merit of Jhering was to put this thought at the very centre of jurisprudence and to employ all the resources of his wit and satire to keep it there. His ridicule of eternal legal concepts was no mere side play of a juristic philosopher. It reflected the socialist attack on property and the complications of modern industry which were putting the classical concepts of property to the test."

Last, but far from least, comes Mr. Justice Holmes, whom a modern legal thinker has called the completely adult jurist. This apt phrase sums up all that need be said of that legal giant whose judicial philosophy has become part and parcel of the living legal thought of the day.

These, then, are Mr. Seagle's fourteen men of law. His book, in which he assesses their contributions to the science of law, is written from an enlightened point of view. To place this point of view squarely before you, we let him speak for himself. "All too often" he says "is reform legal reform rather than economic reform. The law is a method of dealing with social conflicts rather than a method of removing their causes, and ordinarily legal reformers content themselves with assuring merely equality before the law, and with tinkering with this or that cog in the machinery of justice. They hope that by changing the administration of the law they will be able to shift the balance of power. They change the procedure for enforcing rights rather than make any alterations in the rights themselves."

This may be rank heresy to the lawyer nurtured solely on black-letter lore. But let him read Mr. Seagle's book. Without agreeing with all that the author has written, he may be persuaded that there is more to this business of the law than is dreamt of in his black-letter philosophy.

Sir Walter Scott once said that a lawyer without history and literature is a mere mechanic. If there are any mechanics still left in the law, Mr. Seagle's book is recommended especially to them. In it, they will find something of both history and literature.

ROY ST. GEORGE STUBBS

Winnipeg

* * *

Principles of the English Law of Contract and of Agency in its Relation to Contract. By the RT. HON. SIR WILLIAM R. ANSON, Bart., D.C.L. 19th edition by J. L. Brierly, D.C.L. Toronto: Oxford University Press. 1945. Pp. xxxvi, 455. ($4.50)

The issue raised by a new edition of Anson has been put by two legal authors, eminent in their own right, in the Law Quarterly Review.[1] It is whether a students' book on contracts should be cast in a conservative mould

[1] Book reviews of the eighteenth edition by H. G. Hanbury (1938), 54 L.Q.R. 298, and of the present edition by C. J. Hamson (1946), 62 L.Q.R. 305.

first made in 1879 or whether a completely new work "from a different and more modern angle" should now replace it. The argument comes, on the one hand, from the teachers of law and, on the other, from the publishers, who with secret knowledge confidently embark on costly new editions. The answer is patently that the book brought up to date by eminent editors will continue to issue as long as the public of students and others continue to buy it.

To maintain that they should not buy it, which some reviewers with other preferences seem to advocate, is to cast aside, not only the inspiration and skill of Anson himself, but the wisdom and care of his distinguished editors, and notably of Dr. Brierly in this last edition. He has been greatly assisted by the constructive and pointed criticism that Dr. Hanbury wrote of the eighteenth edition.[2] All the criticisms of principle and plan then made have led to significant and improving alterations, with the exception of the recent cases which Dr. Hanbury thought should have been included but of which Dr. Brierly stoutly maintains his opinions in unbroken silence. Indeed when the criticisms of the eighteenth edition are studied along with the burdens Dr. Brierly has assumed to meet them, it seems ungenerous to crown his efforts with the comment that the dead hand of Anson is a hindrance rather than a help.

Twenty years ago Dr. Brierly described the general scope of Anson on Contracts in the article on "Anson" in the Dictionary of National Biography:

> "In his Principles of the English Law of Contract Anson set himself to 'delineate the general principles which govern the contractual relation from its beginning to its end.' He asked and answered with admirable lucidity just those questions that an intelligent student would ask about the subject. The book possesses two eminent merits: it directs the students' attention to general principles, avoiding doubtful or exceptional rules, and the peculiarities of the special contracts; and it teaches him method. It has remained the indispensable introductory text-book on the subject. Sixteen editions have been published in this country; it has been translated into German, and an American edition has been widely read. But the book is also memorable because it heralded a new conception of legal education. The scientific study of English law dates practically from the latter half of the nineteenth century; when Anson began to lecture on it, he was the only teacher of English law in Oxford; and in spite of Blackstone's example, almost all books on English law were written with a professional and not an educational purpose. Anson himself was one of a band of pioneers who, by their own personal teaching and by their admirable text books, dealt a mortal blow to the superstition that English law cannot be taught; and to help in ending the centuries-old divorce between English law and the English universities was no slight service to both."

That Anson was a great man and a modest man needs no biography. It shines in his words. In his introduction to his "Law and Custom of the Constitution", he wrote, speaking of Dicey, ". . . he has done the work of an artist; I have done the work of a surveyor . . ." and again, "Writing for students, I have treated some matters more fully and others less fully than the practised lawyer may think necessary but when I have been brief, I do not pretend to have written with a reserve of knowledge and I have often said no more because I have had no more to say".

[2] *Op. cit.*

A man of such authority and modesty has a place in the lives of students of English law and gentle manners. As long as his memory is tended and his work renewed by hands as reverent and able as those of Dr. Brierly, he will maintain it. The simplicity and order, with which Anson wrote, flowers sweetly in another place. On the Bench and at the Bar are many who owe him much. He has his own place today in the eye of the student, on the tongue of the advocate and in the ear of the judge.

There is a final compelling reason why Anson remains in the first rank of students' books. Although it enjoys the distinguished format of the Oxford University Press and the convenient though expensive marginal references, it sells for $4.50, a price remarkable in this day of rising book costs. It is only just to say that, together with a few works on other subjects, it provides within a student's reach the best value available in law book publishing today.

PETER WRIGHT

Toronto

* * *

Federal Administrative Procedure Act and the Administrative Agencies. Proceedings of an Institute conducted by the New York University School of Law on February 1 – 8, 1947. Volume VII. Edited by GEORGE WARREN, Teaching Fellow, with an Introduction by DEAN ARTHUR T. VANDERBILT. New York: New York University School of Law. 1947. Pp. viii, 630. ($7.50)

Our attraction to this study is indirect in Canada. In the United States, one would gather that its market will be among students of administrative law and members of the Bar who specialize in appearing before administrative tribunals, for here is an exhaustive development of a new departure on a fundamental point. The latter group apparently are sufficiently numerous and distinct to produce their own Practitioners' Journal. But readers of the Canadian Bar Review may well be interested too, certainly any who encountered "the new despotism" in the bureaucracy that flourished under our War Measures Act. Why? Because one finds discussed at length (alas, at great length according to the current American vogue) the immediate reaction of all types of interested people to a basic law not yet even mooted in Canada, namely the uniform application of general "Rules of Practice" to all administrative agencies, including departments of the federal government itself.

One is not required to hate the New Deal and all its enduring works in order to appreciate the need felt for some such law. One has only to be reminded that before Pearl Harbour 51 "agencies" clung to the interstices of that stupendous network loosely called Washington. The "war babies" added 202.

> "Indeed, one federal agency which annually disbursed billions of dollars, the Office of Dependency Benefits, although created in 1942 by an Act of Congress, failed for several years to find its way into either *The United States Government Manual* or the *Congressional Directory*."

In September 1946 there began to come into effect, fully completed on June 11th, 1947, an Administrative Procedure Act. Its definition of "agency" threw out a net wide enough to catch "each authority (whether or not within or subject to review by another agency) of the Government of the United States other than Congress, the courts, or the governments of the possessions, Territories or the District of Columbia". It calls upon all such agencies to publish descriptions of their field organization, *modus operandi*, opinions and orders; to give general notice of rule-making proceedings, to give interested persons an opportunity to take part in those proceedings and to give at least thirty days' notice before rules become effective; to quarantine any mingling of the investigating and prosecuting functions with the adjudicating functions within agencies; to recognize the right of anyone compelled to appear in person "before any agency or representative thereof . . . to be accompanied, represented and advised by counsel"; to detach examiners from agency control by transferring such personnel to the independent Civil Service Commission; to accept the burden of proof when proposing a rule or order; and to become subject to judicial review at the suit of anyone "suffering legal wrong because of any agency action, or adversely affected or aggrieved by such action within the meaning of any relevant statute . . . except so far as statutes preclude judicial review or agency action is by law committed to agency discretion".

Highly qualified men then take up the legislative genesis of this unique act, its analysis, "rule-making" and adjudication under its terms and its manifold effects upon the actual practices of thirteen senior "agencies", such as the Patent Office, Post Office, the Department of Labour and of Agriculture, NLRB, ICC, FCC, SEC, and the Bureau of Internal Revenue. The pattern of treatment for the different chapters — first the sketch of the particular agency under discussion, the protestation that its established procedures substantially satisfied the demands of this bold act, then the descent into the molehill of details, and finally the verbatim record of the question period — soon grows familiar. There are about 420 pages abounding in *minutiæ* and I frankly confess an inability upon a first reading to arrive at a synthesis which would by accuracy do justice to them.

Was such an act necessary? There is no discussion of that policy problem, except in odd flashes of implication, apart from one slashing attack by Mr. Frederick Frank Blachly on three different counts: "(1) the way it was foisted upon the people . . . by the American Bar Association; (2) its complete inapplicability to modern economic and social conditions; and (3) its detailed provisions". Mr. Blachly went on to say that "When a real administrative procedure act is formulated it should be drawn up by the government itself. It should not be the product of a private group whose special interests lie in obtaining the maximum amount of judicialized procedure, and the maximum amount of judicial control." His proposal was yet another agency, an Office of Federal Administrative Procedure, to shepherd all the other agencies by developing "an adequate plan of administrative legislation and adjudication, with a logical relationship to the courts". That is evidently the line critics will take if, as and when in the distant future the Canadian Bar Association is inclined to press for some similar junior Judicature Act on this northern side of the border. And shall we regard the question of the advisability of some such act in Canada as premature, if not, academic? Before the Crown in right of

the Dominion — and in right of its nine restive provinces as well — throws off many more emanations, how about it, Saskatchewan? What do you say, you departmental agents in Ottawa?

CAMPBELL CALDER

University of Western Ontario

BOOKS RECEIVED

The mention of a book in the following list does not preclude a detailed review in a later issue.

Annual Report of the American Bar Association: Including Proceedings of the Sixty-Ninth Annual Meeting Held at Atlantic City, New Jersey, October 28 to November 1, 1946. Volume 71. Chicago: Headquarters Office, 1140 North Dearborn Street. Pp. viii, 842.

Dangerous Words: A Guide to the Law of Libel. By PHILIP WITTENBERG. New York: Columbia University Press. 1947. Pp. ix, 335. ($5.00)

The Government of Canada. By ROBERT MACGREGOR DAWSON. Toronto: The University of Toronto Press. 1947. Pp. x, 662. ($5.50)

Justice and Administrative Law: A Study of the British Constitution. By WILLIAM A. ROBSON. Second edition. London: Stevens & Sons Limited. 1947. Pp. xxxii, 554. (25s. net)

Les Transformations de Responsabilité: Etude sur la Pensée Juridique. By LÉON HUSSON, Professeur de philosophie au Lycée de Montpellier, Docteur ès Lettres. Paris: Presses Universitaires de France. 1947. Pp. viii, 544.

The Trial of German Major War Criminals: Proceedings of the International Military Tribunal Sitting at Nuremberg Germany. Part 13: 2nd May, 1946, to 13th May, 1946. London: His Majesty's Stationary Office. 1947. Pp. ix, 372. (6s. 6d. net)

Trial of Thomas John Ley and Lawrence John Smith (The Chalk Pit Murder). Edited by F. TENNYSON JESSE, F.R.L.S. Notable British Trials Series, Volume 69. London: William Hodge and Company, Limited. 1947. Pp. li, 313. (15s.)