Reviews and Notices

The Assessing of Salvage Awards: An Enquiry into English Admiralty Practice. By CHARLES T. SUTTON, M. Com., D.Sc. (Econ.) (London). With a foreword by R. F. HAYWARD, K.C. London: Stevens & Sons Limited. 1949. Pp. xvi, 757. (£6, 6s. net)

In *The Charlotte* (3 W. Rob. 68, at p. 71) Dr. Lushington speaks of "the many and diverse ingredients of a salvage service". In the present work the author seeks to analyse these ingredients, separately and in relation to each other, and thus to construct a scale or standard by which one, whether layman, lawyer, arbiter or court, may assess with some degree of exactness the appropriate award for any given services. In this reviewer's opinion he has succeeded in this task. The book is a remarkable achievement, the fruit no doubt of many years of close study and labour. So far as we are aware, nothing quite like it has hitherto been attempted.

The sea, as the author points out, is an uncertain element and many things can happen there. Salvage is essentially of lives and property in peril at sea. It is wholly a matter of things as they happen to be: a chance combination of circumstances usually manifested by a vessel in distress, the availability of appropriate help, promptly and voluntarily given, the transfer to a place of shelter, resulting in property of value being saved. Out of this salved value the law decrees, primarily in the interests of owners and of the lives involved, an award to the salvors for the purpose of encouraging in the face of difficulty and danger the needed help — prompt, bold, resolute — to whatever may be in peril.

In a salvage action the judge decides whatever questions of law may have been raised, makes his findings on the facts, states what he regards as a fitting award in the circumstances, and gives his view in broad terms of the matters that may have particularly influenced his judgment. If there are several sets of salvors he apportions the award amongst them. If they represent the owners, master and crew of a ship, he states the share he considers proper for each. In making the assessment the court, although it is guided by the run of current practice and long-settled principles, nevertheless exercises a wide discretion in accordance with the particular circumstances. But the discretion must be a sound discretion and the award must be consistently fair and reasonable. Except for any apportionment, however, the only figure mentioned is that of the final award. There is usually no attempt to state, nor indeed would it be feasible to state, to what extent each of the "many and diverse ingredients" is reflected in the decree. It is the purpose of Dr. Sutton's inquiry to break down awards by using figures at an earlier stage, and so to erect a standard of values as a guide

to the scientific assessment of awards. The inquiry thus deals, not with legal theory, but with the actual figures of awards, and with the value in terms of money of each factor relevant for consideration in the making of the award. For this purpose the author takes for analysis, as the main foundation of his inquiry, the awards handed down in the Admiralty Division of the High Court of Justice in England, particularly between the years 1919 and 1939.

The various factors of influence upon awards are set out quite consistently in the cases as being: first, as regards the thing salved — danger to human life, danger to property, value of property salved; and secondly, as regards the salvors — danger to human life, their skill and conduct, value of property employed in the service, the danger to which it is exposed, time and labour expended, responsibilities, loss and expense incurred. Of these factors the value of the property salved is of over-riding importance; for, though the difficulty and danger may be the same, the awards will be very different as between, say, a fishing-smack and a luxury yacht; or as between a tramp steamer, and an Atlantic liner with full complement of passengers and crew. Moreover, as stated, the salvage award stems from successful service; without that there can be no award either for property or life, save, however, as to the latter, the operation of special statutory provisions. Misconduct or negligence or any "holding back" by salvors is a separate consideration; but in cases of mistake or mere error of judgment, the court may be relied upon to take an understanding view of what was done in an atmosphere of urgency and tension in what may well be an unusual, perhaps an unique task.

The author groups what are commonly regarded as usual and expected risks into three main groups, as follows: (1) the condition of the vessel, (2) the extraneous conditions which increase the risk, such as heavy weather, and (3) the measure of service rendered. He gives to the three groups relative commercial weight, and sub-divides each group into stages to which all phases of the multifarious conditions of salvage incidents can be made appropriate. On convincing reasoning, and with no improper suggestion of exactness, he apportions to group one an extreme of 12% of the salved value, to group two an extreme of 8% and to group three an extreme of 4%. In no case, however, does he regard the extreme as the ultimate limit, but points out that the circumstances must be very unusual indeed to justify an extension to any one or more groups. It follows that the author regards 24% or say 25% as the extreme award, subject to what has been said as to any extension, and using the odd 1% as something to come and go upon should warranting circumstances be present.

No doubt this summary savours of over-simplification, but Dr. Sutton analyses each group, and each subdivision of each group, and each stage of each subdivision of each group in so detailed and thorough a manner as to leave no room for doubt of the complexity of the problem, or of the clarification he brings to it. As a brief illustration, under group one, he shows the four main types of peril in which a vessel may find herself, *viz.*, sinking, on fire, aground, or disabled, and examines the almost infinite variety of circumstances that may be attendant upon each of them. Of particular interest is the chapter on a sinking ship, and its consideration, firstly, of a condition of general leaking or flooding, tending to become uncontrollable; secondly, of this in fact worsening by the filling of a vital compartment whose

floating is dependent on something less secure than a collision bulkhead; and thence to a third stage when, perhaps, some grave adverse development in her condition, hitherto unlikely, becomes seriously likely, for example, the filling of the engine-room, a bulkhead weakening, reduced freeboard, lack of stability; and so to the fourth stage of a badly damaged vessel in a dangerously flooded condition that is not static, but is steadily getting worse and will of necessity result in sinking if the vessel is not got to safety within a short time. This fourth stage represents a finding of 8% of the salved value, each stage in this subdivision representing a jump of 2%. There remains 4% before the extreme is reached; but it is not possible to go beyond this stage in any clear progression of thought or description, save to the extreme pitch in which the vessel is no more than got to safety in time, after difficult and protracted operations during the whole of which the vessel is in immediate risk of loss. This would justify a 12% allowance. Of almost equal detail and value are the chapters on the other subdivisions of this group, namely, ships subject to the perils of being on fire, aground or disabled. And so in like measure, and with equal attention to incident and detail, runs the analysis of the other two groups, their subdivisions and stages.

But what if the salved value is so low as to make a total allowance of 25% quite inadequate for the services rendered? The author deals with this by a uniform increase of the percentages, leaving the basic relation of factors unchanged; but so as always to leave some clear saving to the salved owner, even though this may result in inadequate remuneration to the salvor. Nor does the author overlook services which are important but scarcely rank as full salvage services. His chapters on how these should be dealt with are full and precise, and rank as perhaps the most useful in the inquiry.

In a foreword to the book, Mr. R. F. Hayward, K.C., observes that ". . . consciously or unconsciously, our Maritime Courts have been guided by principles which they have applied so consistently and skilfully to an enormous variety of facts as to make their conclusions almost uncannily exact in final results". That there is warrant for this statement may be shown by a brief reference to a few of the analysed cases, picked at random as fair examples of the 440 brought under consideration:

"Tovaristch Stalin" — Trial 25th July, 1933. On rock off Spitzbergen Coast. Position of extreme danger, and bad weather conditions. Salved by fleet of trawlers. Salved value £48,800. Award £7950. Analysis figure £7364.

"Garthpool" — 12th July, 1922. Had been in tow but slipped during a gale, sails blown out, hazardous connection made by boat's crew, actual tow without much difficulty. Salved value £58,063. Award £3250. Analysis figure £3912.

"Kenora" — 2nd November, 1920. Engines disabled in very bad weather. Eventually abandoned at anchor, leaking slowly, would have foundered, ultimately towed into port by trawler and tugs in more moderate weather. Salved value £115,963. Award £9800. Analysis figure £9815.

Cargo ex. "Rio Mondego" — 1st March, 1921. Wooden vessel, torpedoed, on fire and abandoned. So reported by her crew. Tug put out and towed her to port. Vessel constructive total loss but cargo saved. Salved value £37,302. Award £7500. Analysis figure £7572.

"Apikia" — 7th December, 1933. Dragged anchor and in danger of going ashore; great chance of total loss; no great danger to salvor. Salved value £5000. Award £700. Analysis figure £550.

This is a large book of more than 750 pages. We have read these pages with great pleasure and greater profit. Lord Brougham is reported to have said that Lord Campbell, by writing his *Lives of the Chancellors*, had added a new terror to death. Dr. Sutton, on the contrary, has added new hope to all those who have occasion to deal with the difficult subject of ascertaining proper compensation for salvage services.

SIDNEY SMITH

Vancouver

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Behind the Bar. By A. E. BOWKER. London: Staples Press. Toronto: The Ryerson Press. 1948. Pp. 323. ($5.00)

It will be remembered that the proceedings of that most memorable leading case on breach of promise of marriage, *Bardell* v. *Pickwick*, were interrupted by a genial voice from the gallery calling out to an astonished judge, "Put it down a 'we', My Lord, — put it down a 'we'." Mr. A. E. Bowker, the author of this book, has taken that advice. He has added a most appropriate "we" to the plural dignity of the Crown and the time-worn habit of the editorial writer.

Mr. Bowker's book concerns many men and many things but its dominant themes are Sir Edward Marshall Hall, Sir Norman Birkett and, with complete propriety, Mr. Bowker himself. He is one of the most famous of that unique British brotherhood of barristers' clerks who move mysteriously, perform wonders and share, reflect and often enhance the glory of eminent British counsel.

For the first time, so far as I know, we have portraits of great advocates painted within their own professional households. In this enthralling book a barrister's clerk, intimately identified with two of the greatest advocates of all British time, shares with us the joys and sorrows, the labours, battles and triumphs in which, through many memorable decades, he himself was a significant partner.

Fifty years in The Temple, twenty years as confidential clerk to Sir Edward Marshall Hall, thirty years with Sir Norman Birkett, eyes that see, ears that hear, a receptive mind, an understanding heart and a skilful pen — all these constitute a richness fit for the fashioning of many books. The present result is a volume written with admirable taste, engaging modesty and fine fidelity.

Mr. Bowker is a robust, trustworthy, shrewd and indomitable Englishman. Many Canadian visitors to Britain have found in him a delightful and willing guide, a sage philosopher and a steadfast friend. His book, which is now appearing in a North American edition, honoured by an admirable preface by Judge Parker of the United States, is the sort of book that every lawyer's wife will wish to give to her husband and every lawyer and every layman, who is fascinated by the fights of great-hearted men and the strange manifestations of human nature unfolded before the judges and juries of Britain, will wish to possess for himself.

The book abounds with good stories, with wise observations and the recital of thrilling adventures on the highways and the byways of the Law. Through its pages flash many of the famous and infamous men and women in the history of our times — Mr. Gladstone, revered in life and libelled in death; Seddon the poisoner; the "man with the green bicycle"; the eloquent, plausible and embezzling Horatio Bottomley; E. T. Hooley, the financial wizard whose magic failed; Rouse, who planned the almost perfect murder; Tony Mancini, amazingly acquitted; the Honourable John Russell, his wife and child; Ruxton the Indian murderer; Goering and Ribbentrop; and a host of men and women whose names occupied the headlines of our days. The multitude of transgressors who come to life again in these pages serve to remind us that murder in England is still considered one of the fine arts, that there is no mass production of gangsters, but that nearly every rogue is a museum piece.

Apart from the swiftly moving panorama of humankind in its stresses, misfortunes and crimes, the book is chiefly concerned with Mr. Bowker's memories of two great advocates. Sir Edward Marshall Hall has already been the subject of a detailed life. Once again, with new lights and shadows, Mr. Bowker tells the story of his rise, his fall and his recovery. This man of magnificent presence, of great histrionic gifts, of generous heart, of erratic mind, whose personality dominated the forensic scene in the days of his triumphs, lives again in our admiration, our sympathy and our understanding.

Hitherto, no book has been written about Sir Norman Birkett. I was interested in reading the other day the autobiography of Sir Patrick Hastings. He himself is a great advocate and therefore no mean judge of great advocacy. Writing of Mr. Bowker's hero, Sir Norman, he has this to say: "If ever it had been my lot to take a lady for a stray week-end, and at the conclusion of the entertainment I had decided to cut her into small pieces and place her in an unwanted suitcase — a form of procedure by no means unknown to him — I should unhesitatingly have placed my future in Norman's hands relying confidently upon his ability to satisfy a country jury (a) that I was not there, (b) that I had not cut up the lady, (c) and that if I had she thoroughly deserved it".

It could be said with truth that Sir Norman Birkett, now the Right Honourable Mr. Justice Birkett, is the favourite Englishman of the Canadian Bar. Mr. Bowker tells of his early hardships, his swift rise to fame, the accidental circumstances that accelerated it and the steadily growing reputation that followed it and remains until this day. We in Canada know Sir Norman as a marvellous advocate with a succession of miraculous acquittals to his credit. We know him, too, as a wise, merciful and learned judge, as a great orator, and not least as a most courteous and scholarly gentlemen, easy of access, kind of heart, overflowing in sympathy for his fellow men, an undaunted upholder of the institutions of British and Canadian freedom. It is pleasant to have our opinion confirmed and illustrated by his friend and helper of thirty years. For Mr. Bowker saw the beginnings of the career of Mr. Norman Birkett, witnessed the great triumphs of Sir Norman Birkett, K.C., and followed him from the battlefields of the law to become the clerk in his judge's chambers.

This is a book of abounding interest and of lasting value, destined to keep many men for many hours comfortably reading by their own firesides

the story of great talents, of great things done, of great words spoken and of great traditions nobly upheld.

LEONARD W. BROCKINGTON

Ottawa

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The Principles of Company Law. By J. CHARLESWORTH, LL.D. Fifth edition. London: Stevens & Sons Limited. 1949. Pp. xl, 344. ($4.50)

Cet ouvrage, qui s'adresse surtout aux étudiants, peut être aussi d'une grande utilité pour les avocats. Réédité cinq fois depuis 1932, il présente sous sa forme actuelle une mise à jour de la législation anglaise sur les compagnies, adoptée le 1er juillet 1948. Le Companies Act de 1948 est une consolidation complète de la loi en cette matière et comprend aussi des changements d'importance, particulièrement dans la vérification des comptes des compagnies publiques, des sociétés de gestion et des filiales.

Comme le dit l'auteur, la législation sur les compagnies est une législation de détails. Son objectif, dès la première édition de son ouvrage, fut de résumer et d'expliquer les principes juridiques qui servent de fondements aux dispositions de la loi. Cette méthode dont on ne peut trop louer l'excellence n'a pas empêché l'auteur de suivre de près le fonctionnement d'une compagnie par actions. Il réfère constamment le lecteur aux articles de la Table A de la loi, qui s'appliquent aux compagnies ordinaires pour tout ce qui a trait à la conduite de leurs affaires, aux rapports des actionnaires entre eux et avec la compagnie, à l'émission et à la cession des actions, aux pouvoirs d'emprunts, aux modifications de capital, au droit de vote, aux administrateurs, aux dividendes, aux comptes et, enfin, aux différents modes de liquidation ou de dissolution des compagnies. Les compagnies par actions, publiques ou privées, peuvent, comme au Canada, édicter des statuts ou règlements qui leur sont propres. Faute de ce faire, toutefois, ce sont les dispositions de la Table A de la loi qui s'appliquent à leur régie interne. Les compagnies privées doivent adopter des statuts particuliers quant au nombre de leurs actionnaires et aux restrictions qui s'imposent de droit à la cession de leurs actions. Les compagnies dont la responsabilité est illimitée ou limitée par garantie doivent avoir leurs règlements propres parce que les dispositions de droit commun de la Table A ne leur sont pas applicables. Les compagnies à responsabilité illimitée ressemblent beaucoup aux sociétés ordinaires. Elles doivent avoir des statuts et règlements qui peuvent être dans la forme proposée à la Table E de la loi de 1948. Quand elles ont un capital-actions, le montant en doit être enregistré. Ces compagnies à responsabilité illimitée peuvent être transformées en compagnies ordinaires en accomplissant les formalités habituelles de l'enregistrement. La responsabilité des intéressés pour toutes les dettes ou obligations encourues avant la date de l'enregistrement reste toutefois pleine et entière. Il existe, en Grande-Bretagne, très peu de compagnies de ce genre: une cinquantaine tout au plus.

Les compagnies limitées par garantie sont certainement plus nombreuses puisque leur régime juridique particulier est habituellement celui des associations ou clubs qui tirent le plus clair de leurs ressources de souscriptions annuelles apportées par leurs membres. L'article 2 de la loi dis-

pose que les intéressés dans des compagnies de ce genre s'engagent à contribuer une somme fixe d'argent au patrimoine commun au cas de liquidation pendant qu'ils sont membres ou dans le délai d'un an à compter de leur démission. Cette somme fixe ne peut-être gagée, hypothéquée ou nantie pendant le cours des opérations. Ces compagnies peuvent avoir un capital-actions. Dans ce cas, elles doivent adopter des statuts qui peuvent être conformes à ceux de la Table A. Quant à celles qui n'ont pas de capital, elles peuvent adopter les modèles proposés à la Table C de la loi. En tout état de cause, elles doivent préciser le nombre de leurs membres et enregistrer leur acte constitutif tout comme les compagnies ordinaires. L'intention du législateur est claire: c'est qu'il veut que la compagnie donne aux tiers une idée exacte de l'étendue de la garantie que les membres de l'association conviennent de fournir. Après la constitution de l'association, toute augmentation du nombre des membres doit être notifiée au régistraire dans le délai de quinze jours.

Les statuts d'une association qui n'a pas de capital-actions ne peuvent donner à quiconque un droit au partage des profits autrement qu'en qualité de membre. Toutes conventions du contrat originaire de société ou des statuts, qui ont pour objet de diviser le patrimoine de l'association en parts d'intérêts, équivalent à la constitution d'un capital-actions en dépit du fait que le nombre et la valeur nominale des actions ne sont pas déterminés. Comme le souligne l'auteur, l'objet de cette disposition est d'interdire la formation de compagnies ayant un capital sans valeur nominale. La loi anglaise, en effet, définit une action comme étant un intérêt dans une compagnie, déterminé par une somme d'argent.

Ces dispositions qui concernent les compagnies limitées par garantie ou les compagnies à responsabilité complète ne sont pas nouvelles dans le droit anglais. Nous le rappelons pour montrer au lecteur que, même sous sa forme concise, le présent ouvrage aborde tous les problèmes relatifs à la constitution et au fonctionnement des compagnies en général. Le volume de M. Charlesworth est d'une concision qui n'enlève rien à la clarté. Le lecteur peut facilement se faire une idée précise de l'évolution du régime juridique des sociétés à responsabilité limitée depuis les Grandes Compagnies jusqu'aux sociétés de notre époque dont le régime actuel a commencé à prendre forme dans la loi anglaise de 1862. L'ouvrage de M. Charlesworth est bien construit; il offre un bon point de départ aux recherches de ceux qui s'intéressent au droit comparé des compagnies par actions.

JEAN-MARIE NADEAU

Montréal

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Rayden on Divorce. Fifth edition. By C. T. A. WILKINSON, Consulting Editor; F. C. OTTWAY and J. E. S. SIMON, Editors. London: Butterworth & Co. (Publishers) Ltd. Toronto: Butterworth & Co. (Canada) Ltd. 1949. Pp. cxxxviii, 890, 113. ($22.50)

A little more than six years have elapsed since the publication of the fourth edition of this well known work, and we welcome the appearance of the fifth

edition, of which C. T. A. Wilkinson is the consulting editor and F. C. Ottway and J. E. S. Simon are the editors.

A number of factors combined to call for the writing of the new edition, the principal of which are the extensive alterations in practice and procedure which followed upon the report of the Denning Committee and are embodied in the Matrimonial Causes Rules, 1947, and, what is of greater and more direct interest to Canadian lawyers, the recent developments in the law on nullity, common-law and polygamous marriages, marriage by proxy, the onus and standard of proof of matrimonial offences and bars to relief, the doctrine of constructive desertion, the nature of *mens rea* in cruelty and the scope of the doctrine of *res judicata* in matrimonial causes.

In using the work the Canadian lawyer must remember that it is designedly written and intended for the English practitioner and constantly keep in mind the differences which exist between English and Canadian law on divorce and matrimonial causes, particularly with regard to procedure and the grounds for divorce and nullity, due to statutes and rules which have no force here.

A very large portion of the compendious work is given up to practice and procedure. Statutes and rules occupy about 180 pages, and a large portion of these have no application to Canada. Nevertheless they are of value for the purpose of comparative reference; and the Matrimonial Causes Acts of 1857 and 1858, which are substantially reproduced in the book, are fundamental in most jurisdictions in Canada.

We are pleased to see that the editors have retained the valuable historical introduction, which, we believe, first appeared in the third edition published in 1932 and contains, among other things, an account of the origin of the ecclesiastical courts, the grounds upon which they granted relief, and the procedure in matrimonial suits within their jurisdiction. In the opinion of this reviewer, a knowledge of the history relating to the principal matters referred to in the introduction is essential to the proper understanding of the nature of relief granted in matrimonial causes.

Among the sections of the work which have been re-written or revised and are most likely to interest and profit Canadian lawyers, in addition to those already mentioned, are the sections which relate to jurisdiction, desertion, condonation, income tax in its relation to alimony and maintenance and the effect of foreign decrees of nullity.

The preface conveys the disquieting information that the number of divorces in England increased from 6,250 in 1938 to 60,000 in 1947. The condition of affairs disclosed by this abnormally high figure, which is doubtless largely due to the accumulation of divorces brought about by the war, would scarcely seem to support the submission attributed by Kitchen, page 104, to Jeremy Bentham in support of the institution of divorce, that "divorces are not common in those countries where they have been for a long time permitted".

With respect to the recent great increase in the number of divorces, however, the editors' statement that the recent alterations in practice and procedure in the English Divorce Court embodied in the Matrimonial Causes Rules, 1947, "completely achieved their object, the clearing of the cause lists", and that "a further acceleration was the reduction of the period between the decree nisi and the decree absolute to six weeks", is both interesting and instructive.

The law is admirably summarized, and the book should prove a valuable aid to the practising lawyer. There is a comprehensive index of 113 pages compiled by Francis S. Dove; and, in addition to the tables of statutes and cases, there is a very useful table of abbreviations. The price of the work is substantial; but the recent devaluation of the British pound should have some effect in lessening the cost to Canadian buyers.

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International Law. By GEORG SCHWARZENBERGER. Volume 1, International Law as applied by International Courts and Tribunals. Second edition. London: Stevens & Sons Limited. 1949. Pp. liv, 681. (£3, 3s. net)

International Legislation. Volume VIII: 1938-1941. Edited by MANLEY O. HUDSON, with the collaboration of LOUIS B. SOHN. Washington: The Carnegie Endowment for International Peace. 1949. Pp. xlviii, 653. ($4.00)

These two new volumes are valuable additions to the literature of international law.

The second edition of the first volume of Professor Schwarzenberger's contemplated trilogy is an improved version of the first. It has been carefully re-edited and expanded, the introduction has been enlarged, and new chapters have been added on the hierarchies of sources and on war crimes. The author, who is Reader in International Law in the University of London, and Vice-Dean of the Faculty of Laws, University College, London, is a leading exponent of the inductive (or "case") method in the treatment of international law; in the present volume he has been zealous in its application. Those concerned with the day-to-day application of law to international problems, as well as advanced students of international jurisprudence, will find this volume a source of inspiration and information. The emphasis placed by the author on the importance of the inductive method may well go some distance towards dispelling the dark shadow that was cast on international law in the pre-1939 days. International law must not indeed be regarded as exclusively, or even as principally, the product of abstract or eclectic philosophy. The contributions of jurists to the theory of the law of nations have been very great and *a priori* formulae will no doubt continue to have an important rôle to play. Nevertheless, it is by the practical application of the inductive method that international law will be increasingly recognized as a living and growing body of legal doctrine.

The second of the books under review, which deals with "International Legislation", also emphasizes actual rather than theoretical sources of international law. It reproduces the texts of multipartite international instruments of general interest, and is the eighth in a series of volumes edited by Mr. Manley O. Hudson, formerly a judge of the Permanent Court of International Justice, under the auspices of the Carnegie Endowment for International Peace. The present volume covers the year from 1938 to

1941 inclusive. Earlier volumes covered the period 1919 to 1937, so that the series embraces the whole of the era of international organization centering around the Leagues of Nations. It is the author's hope that the series will prove of value in drawing to attention and collating in orderly fashion the product of the quasi-legislative processes by which the content of conventional international law has been so greatly enriched and extended.

Both the volumes under review are well bound, documented, referenced and indexed.

E. R. HOPKINS

House of Commons,
Ottawa

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Williams' Law and Practice in Bankruptcy. Sixteenth edition by V. R. ARONSON and MUIR HUNTER. London: Stevens & Sons Limited. 1949. Pp. xcvi, 1032. (£4, 4s. net)

After a hiatus of twelve years, a new edition of this leading English text on bankruptcy law and practice has been published. From 1870, when the first edition was written by Sir R. V. Williams (later Lord Justice) and W. V. Williams, until the appearance of the 14th edition in 1932, the book was regarded as the standard reference on bankruptcy law by Canadian lawyers. Since then *Williams* has been forced to yield its position of prominence to several excellent Canadian publications. Nevertheless it is still of considerable value to Canadian lawyers as a means of bringing us up to date on English law. The 16th edition shows the progress achieved in bankruptcy law in England during the twelve years since the appearance of the 15th in 1937.

The book has had a series of editors. The first four editions were prepared by the authors; the next seven, by C. W. Halsell; and, of the following three, edited by W. N. Stable, the last two were done in conjunction with J. F. C. Miller and J. B. Blagden. The 15th edition was co-edited by J. B. Blagden and J. McLean Buckley. All the later editions have been similar in form and content.

The main purpose of the editors of the present edition has been to bring the book up to date, incorporating in it the recent modifications and developments of the law, without however making any great alteration in substance. In this purpose they have been successful, although the format of the book has undergone two significant changes. Cognizant of the need for saving space, they have omitted all side notes. For this they offer their apologies, although in the reviewer's opinion no apologies are needed. The sidenotes have been replaced by sub-headings for the different subsections, with the result that the subject matter of the book is put in clearer perspective. The second change is the use of footnotes. In the preceding editions case citations were incorporated in the text, as the case appeared. With citations relegated to footnotes, the text has greater continuity and is easier to read.

It must also be mentioned that the paper and printing of the book are of better quality than in the previous editions.

The preface explains what the editors consider to be the more significant changes in case law since the last edition. This is followed by a series of

tables, then the Bankruptcy Act proper, and forms. After the Bankruptcy Act forms comes a number of appendices and, to complete the text, there is an elaborate table of contents. The addition of the Companies Act, 1947-48, in its relevant sections, The Defence Regulations Act, 1942, and the Exchange Control Act, 1947, has necessitated some rearrangement of the text.

It is of interest to compare the scale of barristers' fees in the 16th edition with the scale in the 12th edition; one finds that for some twenty-eight years at least there has been no increase. Accountants' fees, on the other hand, have shown a marked increase in the same period.

This edition of *Williams* maintains the high standard set by the editors of the former editions. Although the reviewer cannot recommend it as an essential text for Canadians, it is to be commended to the lawyer who wants a comprehensive reference book.

ERIC L. TEED

Saint John

Another View of Us

Law was design'd to keep a state in peace;
To punish robbery, that wrong might cease;
To be impregnable; a constant fort,
To which the weak and injured might resort:
But these perverted minds its force employ,
Not to protect mankind, but to annoy;
And long as ammunition can be found,
Its lightning flashes and its thunders sound.
Or law with lawyers is an ample still,
Wrought by the passions' heat with chymic skill;
While the fire burns, the gains are quickly made,
And freely flow the profits of the trade;
Nay, when the fierceness fails, these artists blow
The dying fire, and make the embers glow,
As long as they can make the smaller profits flow;
At length the process of itself will stop,
When they perceive they've drawn out every drop.

(George Crabbe: The Borough. 1810)