

Correspondence

Revision of the Statutes of Canada

TO THE EDITOR:

I have had occasion recently to refer to an "Act respecting the Revised Statutes of Canada", which appears in Statutes of Canada, 1948, c. 67. This Act establishes a Statute Revision Commission, whose duty is to examine the Revised Statutes of Canada, 1927, and the public general statutes of Canada enacted since that date, and to revise, classify and consolidate them. Section 3 provides that, as soon as the Commission reports in writing the completion of the consolidation, the Governor General may cause a printed Roll thereof, attested under his signature and that of the Clerk of the Parliaments, to be deposited in the office of the clerk and that roll shall be held to be the original of the statutes so revised, classified and consolidated.

I believe that all members of the profession agree that a consolidation of the Revised Statutes of Canada was long overdue when this Commission was set up.

However, I am particularly concerned with section 5(1) of the Act, which reads as follows: "The Commission in consolidating the said Statutes, and in incorporating therewith the Acts or parts of Acts passed subsequent thereto and selected for inclusion therein as above provided, may make such alterations in their language as are requisite in order to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what it deems to be the intention of Parliament or to reconcile seemingly inconsistent enactments or to correct clerical or typographical errors".

A body of case law had been developed in which various statutes of Canada have been considered. Particularly in taxing statutes, the wording of the statute is most important and cases have turned, of course, upon the exact wording. Under the authority given in section 5(1), the Commission, in altering the language in the consolidated statutes, may quite innocently change the meaning, particularly of taxing statutes, so that cases upon which the profession have relied and acted may no longer be authority.

I am not suggesting that section 5(1) is not necessary for the proper carrying on of the work of revision, but I am of the opinion that the Canadian Bar Association should interest itself in the consolidation before it is finally adopted, with particular reference to the change of language in taxing statutes. Further, at this time, it might well be that the Canadian Tax Foundation and the Canadian Bar Association should draw this matter to the attention of the secretary of the Commission, so that the wording of taxing statutes in the consolidation may be rechecked before the roll is adopted and certified.

If the Foundation or the Association have already taken steps to check the taxing statutes and their language in the consolidated statutes to be issued, then this letter will serve as an expression of appreciation of their efforts.

CECIL W. ROBINSON*

Books Received

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

American-Swiss Private International Law. Bilateral Studies in Private International Law, No. 1. By ARTHUR NUSSBAUM. New York: Columbia Law Review, Columbia University. 1951. Pp. 46. (\$1.00)

The Canada Year Book 1951: The Official Statistical Annual of the Resources, History, Institutions, and Social and Economic Conditions of Canada. The Dominion Bureau of Statistics. Ottawa: The King's Printer. 1951. Pp. xl, 1219. (\$3.00)

Cases on Private International Law. By J. H. C. MORRIS, D.C.L. Second edition. Oxford: At the Clarendon Press. Toronto: Oxford University Press. 1951. Pp. xxviii, 417. (\$6.50)

Copyright and Industrial Designs. By A. D. RUSSELL-CLARKE. London: Sweet & Maxwell, Limited. 1951. Pp. xv, 261. (37s. 6d. net)

Enabling Instruments of Members of the United Nations. Part I. The United States of America. Compiled by WALTER H. ZEYDELL and WALDO CHAMBERLIN. New York: Carnegie Endowment for International Peace. 1951. Pp. xvii, 126. (\$2.50)

Eversley's Law of Domestic Relations. Sixth edition. By L. I. STRANGER-JONES, M.A. London: Sweet & Maxwell, Limited. 1951. Pp. 1, 743. (£3, 15s. net)

Evolución de la Democracia en Santo Domingo. Discurso pronunciado por su Excelencia el Presidente de la República Dominicana, al inaugurar la XIII Conferencia Sanitaria Panamericana. Ciudad Trujillo, República Dominicana: Universidad de Santo Domingo. 1950. Pp. 67.

Factory Law. By H. SAMUELS, M.A. Fifth edition. London: Stevens & Sons Limited. 1951. Pp. xxviii, 719. (£3, 3s. net)

Fingerprint Mechanics: A Handbook. By WALTER R. SCOTT. With a foreword by GEORGE H. BRERETON. Springfield, Illinois: Charles C. Thomas, Publisher. Toronto: The Ryerson Press. 1951. Pp. xxiii, 442. (\$10.25)

The Indiscretions of a Magistrate: Thoughts on the Work of the Juvenile Court. By BASIL L. Q. HENRIQUES, C.B.E., M.A., J.P. Toronto: Clarke, Irwin & Company Limited. 1950. Pp. 192. (\$2.00)

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- Industrial Arbitration Act 1912-1949.* With annotations by F. T. P. BURT, LL.M. Nedlands, Australia: University of Western Australia. 1950. Pp. xxx, 189. (No price given)
- The International Court of Justice: Its Role in the Maintenance of International Peace and Security.* By OLIVER J. LISSITZYN. United Nations Studies, No. 6. New York: Carnegie Endowment for International Peace. 1951. Pp. xiv, 118. (\$1.75)
- Law and Society in the Relations of States.* By P. E. CORBETT. New York: Harcourt, Brace and Company. Toronto: George J. McLeod Limited. 1951. Pp. 337. (\$6.25)
- News: A Fortnightly Searchlight on World Events.* Editor-in-Chief: M. MOROZOV. No. 1, July 5th, 1951. Published every fortnight by the newspaper, *Trud*, 18b Gorky Street, Moscow, U.S.S.R. (Subscription rate for six months, \$1.00; single copies, ten cents each)
- Le Nom patronymique dans le Droit québécois.* By SIMON GEORGES PARENT, Docteur en droit de l'Université Laval. Québec: Charrier & Dugal Limitée. 1951. Pp. 182. (No price given)
- A Practical Epitome of the Death Duties.* By DAVID HARRISON, LL.D. Consulting editor for Scots Law: R. A. GRIEVE, B.L. Second edition. London: Sweet & Maxwell Limited. 1951. Pp. xx, 436. (37s. 6d. net)
- Principles of Australian Administrative Law.* By W. FRIEDMANN, LL.D. Carlton, Victoria: Melbourne University Press. Toronto: The Macmillan Company of Canada Limited. 1950. Pp. 118. (\$2.40)
- Security and Freedom, the Great Challenge.* The Thirtieth Annual Report of the American Civil Liberties Union. New York: American Civil Liberties Union. 1951. Pp. 88. (35 cents)
- Selection for Parole: A Manual of Parole Prediction.* By LLOYD E. OHLIN. New York: Russell Sage Foundation. 1951. Pp. 143. (\$2.00)
- Society and the Criminal.* By SIR NORWOOD EAST, M.D., F.R.C.P. With a foreword by SIR ALEXANDER MAXWELL, G.C.B., K.B.E. Springfield, Illinois: Charles C. Thomas, Publisher. Toronto: The Ryerson Press. 1951. Pp. x, 437. (\$10.25)
- A Study of Unauthorized Practice of Law.* By EDWIN M. OTTERBOURG. Prepared for the Survey of the Legal Profession. Published in the September 1951 issue of *Unauthorized Practice News*, a publication of the American Bar Association Committee on Unauthorized Practice of the Law, 1140 Dearborn St., Chicago. Pp. vi, 84. (\$2.00)
- Taxation in Canada.* By J. HARVEY PERRY. Sponsored by the Canadian Tax Foundation. Toronto: University of Toronto Press. 1951. Pp. xiii, 409. (\$6.00)
- Working Wonders with Words: A Practical Guide to Effective Speaking.* By WILFRED WOMERSLEY, L.T.C.L. Toronto and Vancouver: J. M. Dent and Sons (Canada) Limited. 1951. Pp. 285. (\$3.50)