

BOOKS AND PERIODICALS.

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Grotius Society Transactions, Volume XI. Problems of Peace and War.
London: Sweet & Maxwell, Ltd. 1926.

This volume contains the following among other interesting papers: (1) "Some Considerations as to Obsolescence of Treaties," by Professor Brierly of Oxford. (2) "The Legal meaning of War and the Relation of War to Reprisals," by Dr. A. D. McNair. (3) "International Law in its Strictest Meaning," by E. A. Jelf, M.A. (4) "The Concert of America—The New World's League of Nations," by F. L. Jones, LL.B. Professor Brierly discusses the points of difference between contracts entered into by individuals and treaties made by States. This arises out of the fact that while a State resembles a person in many respects it is not in fact a person . . . Master Jelf sees International Law "as a number of tiny islands in the middle of an uncharted sea of international anarchy, and I think that this position should be more frankly faced." We think this view is a difficult one to controvert, and that the strongest hope for the ultimate attainment of an enforceable code of International Law lies in the operations of the League of Nations. Mr. Jones thinks that the Pan-American Union will ultimately function as a League of Nations for the New World. Mr. Jones is an optimist. His idea finds little support in the present attitude of the Latin republics of America towards the United States.

C. M.

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Law and Practice of Patents in Canada. By Fred. B. Fetherstonhaugh and Harold G. Fox. Toronto: The Carswell Company. 1926.

The steadily increasing importance of Patent Law in Canada inclines one to welcome the appearance of another good Canadian work upon the subject. Fisher and Smart is an excellent book, but as the number of Canadian cases is as yet very small in comparison with those of England and the United States, and as there are differences between our Act and those of other countries, many of which are as yet not dealt with by our Courts, frequent expressions of opinion were necessarily found in it, and another work along the same lines, with its own expressions of opinion on the same points, must serve a useful purpose. Apart from these one does not expect to find much original matter, but what one does find is an arrangement of the English case law so as to accord with the scheme of the Canadian Act, quite well and attractively done.

The number of Patent cases is legion, both in England and the United States. The editors of this book have endeavoured to select from the many the most useful of the English cases, of course adding those of the Canadian Courts in their appropriate places. United States cases are used only when referred to in those of Canada. There may be room for argument as to whether or not this was the better course, as the tendency of our Courts is to

fall into line with our neighbours to the South, our conditions comparing more closely with theirs than with the conditions which prevail in the United Kingdom. The result is in effect a Canadian Edition (re-written and re-arranged) of a typical English text, and so far the advantages are obvious. To have attempted more would have meant a bulky volume, and the United States law is well covered by the down-to-date Robinson and others. Nevertheless one cannot help a feeling of regret that more attention has not been given to a comparison of the law of the United States with that of Canada, especially as the more important of our cases come from that country, and in many instances there is more or less contemporaneous litigation in the two countries. However, this is a good book and a useful one to any lawyer who has to deal with the Law and Practice of Patents in Canada.

G. F. H.

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The Law of Chemical Patents. By Edward Thomas. New York: D. Van Nostrand Company Inc. 1927. Price \$6 net.

Canadian lawyers who have to do with the law governing patents for invention will be glad to obtain so useful a book as this on the subject of chemical inventions. Inventions of this character are fundamentally different from mechanical inventions in that the former may consist wholly of fugitive processes incapable of any diagrammatic explanation which is of so much assistance in comprehending the nature of a machine or device. As the author very justly says:—"The description of the invention in the patent may be inadvertently incomplete, as happened in the British patent on a dye, which failed to state that it must be manufactured in an iron vessel,—the usual enameled vessels failed to produce the result the inventor had obtained solely because he used an iron vessel. It may be difficult to determine whether invention lies in the process or in the product or in both, or for other reasons it may be difficult to select the best basis on which to draw adequate patent claims. When questions of anticipation or infringement arise in connection with a patent on a discovery the patentee is faced with the situation that he cannot apply to chemical patents the doctrine of mechanical equivalents. In an infringement suit on a chemical patent the functions of an expert witness is different from that of an expert witness on a mechanical invention. The declarations of the latter are merely aids to the Judge, who can, in case of doubt, examine the drawings and machines for himself and reach a decision based on personal observation. But the expert on chemical patents must be able to carry to the Judge assurance of the existence of things which he can neither see nor feel nor hear. The fugitive process cannot be brought into court and stored away to be examined at leisure."

The author is a member of the New York and District of Columbia Bars, of the American Chemical Society and an Associate Member of the American Institute of Mining and Metallurgical Engineers. His credentials for authorship are, therefore, excellent. We have no hesitation in saying that his work is well done, nor in commending it to the legal profession in this Dominion. There are a number of important English decisions cited, and a very exhaustive summary of American cases. The table of cases is prepared with care. The work also contains a useful appendix of legal and industrial terms.

C. M.

BOOKS RECEIVED.

1. *Famous Criminals and their Trials. Intimate Revelations from the Papers of Sir Richard Muir, late Senior Counsel of the British Treasury.* By Sidney Theodore Felstead. New York: George H. Doran Company. Toronto: George H. Doran Company (Canada) Ltd. 1927.
2. *Blotted 'Scutcheons. Some Society Causes Célèbres.* By Horace Wyndham. New York: George H. Doran Company. Toronto: George H. Doran Company (Canada) Ltd. 1927.
3. *Our Testing Time. Will the White Race Win Through?* By J. H. Curle. New York: George H. Doran Company. Toronto: George H. Doran Company (Canada) Ltd. 1927.
4. *Homilies and Recreations.* By John Buchan. Toronto: Thomas Nelson and Sons, Ltd. 1927.

CORRESPONDENCE.

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THE NORTH POLE.

Editor, CANADIAN BAR REVIEW.

DEAR MR. EDITOR.—It is almost never that one has a chance to find fault with you and your pet baby, the C. B. R.; but I now venture a remonstrance to one ground of complaint, viz.: Why did you publish an article on the ownership of the North Pole in the middle of winter? It reminds me of the fact that I was born in the frozen north when and where a pack of wolves smothered the protest of an infant against the hardship of a coming day when a "big brother" would insist on my getting up in the middle of the night to help him feed the cattle, and to make my scanty ablutions by breaking the ice in the water jug, any apply a chunk of it and a scrap of soap in alternate rubs. But happily I can now wait until the warmth of the Long Vacation, and then ruminate over my childish visions of a gigantic pole like a ship's mast around which the world was spinning, and that the other end was the south pole, which stuck up in the same manner. But of course this cannot be so, for some foolish explorers went there, could not find any pole, and Mr. Clute says that where the pole ought to be there is only a "wild waste of water" an ocean, in fact, with ice fields floating about which nobody owns and which he calls "a polar basin of considerable depth (say 12,000 feet) which is more or less equal to the height of the Antarctic Continent."