

## REVIEWS AND NOTICES.

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### LANDLORD AND TENANT LAW.\*

Among the complexities of modern business life there are few relations so universal as that of Landlord and Tenant. Indeed it is safe to say that while many may never achieve the happy state of being a landlord few there are who at one time or another do not become tenants. The respective rights of the landlord and the tenant are therefore subjects about which the lawyer, whether he practises in the city or in rural districts, is consulted very frequently. For this reason, and for its intrinsic merit, the second edition of Mr. E. K. Williams' "The Canadian Law of Landlord and Tenant" will be welcomed by members of the profession at large and particularly by those practising in the Common Law provinces of the Dominion.

As the author himself says in the preface to this edition, the volume is essentially a "deskbook" for the office lawyer. The reader will find, however, that while the book by virtue of its excellent arrangement serves the purpose of ready reference, it gives at the same time a lucid and exhaustive treatment of the whole subject-matter and does much to clarify troublesome questions arising in connection with fixtures, repairs, bankruptcy of tenants, et cetera. The lawyer's place in the community is, as time goes on, becoming more that of a business adviser than that of the pure advocate. One of the requirements of this modern rôle is that the lawyer must at all times be able to advise quickly and authoritatively on questions that arise out of the daily contacts of his clients with the law that governs their personal or their business relations. For advice of this nature a work such as the one under review is invaluable.

This edition, like the previous one, follows the method of dealing with the subjects under numbered articles which in turn are grouped in chapters dealing with particular subjects in their wider bearings. From the point of view of the reader this is extremely convenient, and an added attraction is the fact that the articles are printed in heavy type. Only after very exhaustive and painstaking research in the wide field covered could the author present us with the orderly collection of authorities such as we find in this volume. He is to be particularly congratulated on his system of discussing cases. It is authentic rather than critical. One does not have to tear away a husk of pedantic comment in order to find the kernel of the decision. He gives us the law of the case as it is, not what he thinks it ought to be. All important cases are concisely noted and a sufficiently detailed *résumé* of the facts is given making reference to the reports themselves practically unnecessary. Citations of English cases give both the Law Reports and Law Journal volume and page number.

As might be expected in a book coming from the pen of one who has devoted so much of his time and energy to the annual work of the Conference of Commissioners on Uniformity of Legislation in Canada, this edition deals very fully with the similarities and differences in the laws of the different

\* *The Canadian Law of Landlord and Tenant.* By E. K. Williams, K.C. (Second Edition). Toronto: The Carswell Company, Limited. Price, \$15.00.

provinces concerning landlord and tenant. The book from this standpoint is most valuable to those who have occasion to consider points of law governing the validity of leases and other conveyancing documents arising out of transactions in provinces other than their own.

While this revised edition brings up to the date the law and authorities noted in the first edition, the book itself has been to a large extent rewritten. It is prepared primarily for the use of the practising lawyer, but it is eminently adapted in form and substance for use by the student and will no doubt be as popular at the Law Schools as was its predecessor.

It is to be hoped that the author in some future edition will be able to include an excursus on the subject of landlord and tenant as it obtains in the Province of Quebec. Such an addition would naturally increase the usefulness of the work, as would also the inclusion of even a brief discussion and reference to forms currently in use in the different provinces.

This book should be in the library of every member of the profession who finds it necessary to keep abreast of the times. It provides an accurate and compact study of a body of law of paramount importance to the practising lawyer.

The format of the work is a convenient one, and the printers and binders have shown themselves master-craftsmen in book production.

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*Recent policies of Non-recognition.* By Chesney Hill, Ph.D., University of Illinois, International Conciliation Publication, No. 293, October, 1933.

This article presents an interesting and instructive discussion of the appearance in international relations of a policy which may exert a great influence on the future development of international law. This policy is one of non-recognition of new situations brought about by aggression or means contrary to a State's treaty obligations. The proponents of the policy contend that it will provide a powerful sanction to constrain nations to observe their international obligations. It is said that thereby States will be brought to realize that any gains to them by violation of their obligations are useless.

The author outlines the history of the new policies of non-recognition in relation to the Manchurian dispute between China and Japan, and the Chaco dispute between Bolivia and Paraguay. The activity of the United States, the other American Republics and the League of Nations in fostering these policies is set forth. This is followed by an analysis of the nature and meaning of the various policies of non-recognition, a consideration of the extent to which they may alter or affect existing doctrines of international law, and a discussion of their probable effectiveness, in view of the effects of non-recognition upon both the nation seeking and the one withholding recognition. The conclusion reached is that, in so far as one can pronounce upon anything in such an experimental stage, the restraining or restorative sanction of such policies seems of doubtful value.

Dr. Hill has written a concise and scholarly study of this novel international expedient, supplemented by a wealth of reference material in the copious appendices with which it is documented.

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## NOTICES BY THE EDITOR.

*Real Property Law.* By G. R. Y. Radcliffe. Oxford: The Clarendon Press, Toronto: Oxford University Press. Price \$4.50.

Doubtless there are few who will disagree with the author of the book in hand when he says that in order to master the body of Real Property Law as it now exists in England one needs to be even better acquainted with the law as it stood before the amending Acts of 1922 and 1925 than those who were concerned with that branch of the law as unaffected by such amendments. The wisdom of this counsel lies in the fact that many of the old rules are still in force and untouched by the recent legislation, and the further fact that where the title to a particular parcel of land extends back for a considerable period of years the documents of title will be governed and interpreted by the law which was in force when they became effective, and not by the law prevailing at the date of a contract of sale made at the present time. Mr. Radcliffe's long experience as a teacher of that branch of law which forms the subject-matter of his book lends authority to his discussion of the principles enunciated in judicial decisions of the past which are subsumed in the law as it stands to-day. On the whole he has been able to join conciseness with clarity of exposition in dealing with cases which enshrine these principles, but occasionally he economizes space at the expense of clear understanding on the part of those who would benefit by the fullness of his knowledge. For instance in dealing with the common law rules of limitation laid down in *Whitby v. Mitchell* and *Shelley's Case* (both of which are abrogated by the Law of Property Act, 1925), one achieves awareness of the import of the former by the author's commentary which extends but little over a page, but when we find the latter—the *croque-mitaine* as it was of former generations of students—expounded within the limits of less than three pages we feel that the neophyte who approaches Mr. Radcliffe's book for instruction will lay it down with no vivid apprehension that the rule in *Shelley's Case* was a rule of law, as the author says it was, and not a rule of construction.

But this occasional tendency towards paucity of exposition occurs only in the portion of the work devoted to an examination of Real Property Law as it developed prior to the amending legislation above mentioned. The remainder of the work, embodying a survey of the legislation of 1925, is an altogether admirable performance excelling in value any treatise on the subject that has hitherto been brought to our notice.

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*Hayes & Jarman's Concise Forms of Wills.* 16th Edition by Claude E. Shebbeare. London: Sweet & Maxwell Company, Ltd. Toronto: The Carswell Company, Limited. 1933. Price \$10.50.

It requires courage born of an atmosphere surrounding a higher plane of culture than that of the conveyancer's office to imprint, as the editor does, a quotation from Sir Thomas More's "A dyalogue of coumfort agaynst tribulation" on the title-page of a book of forms. But that very boldness implies that there is something to be found in the book other than "the limbs and outward flourishes" of the law. A perusal of the editor's introduction to the work confirms this view of it. He tells us there that a table of the law prepared by him in a former edition led to the detection of a murderer

in a work of fiction. That is an achievement indeed. Moses and his tables of the law prepared the way to punishment for crime, but hardly for its detection.

Be that as it may, "Hayes & Jarman's Wills" needs no recommendation to the practitioner. As the dust jacket very truly says, it is as much a book of case law as a book of precedents. The 15th edition, also under the capable hand of Mr. Shebbeare, presented the new law of intestacy in England, and the present edition summarizes the latest statutory additions to the law of wills. Pertinent cases recently decided are noted and discussed in a most helpful way. The index, and tables of cases and statutes are all that could be desired.

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*Dominion of Canada Income War Tax Act.* 1934 edition. Published by Commerce Clearing House, Inc., Chicago. Price \$1.00.

This brochure contains the complete text of the Income War Tax Act of Canada together with all amendments down to 1933, with appropriate notations. It also provides a complete index to the legislation.

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*Problems of Peace and War.* Transactions of the Grotius Society, Volume 18. London: Sweet & Maxwell, 1933. Price 10s. net.

Two papers in this new volume of the Grotius Society's Transactions we find of great interest. They are, "The Problem of the Inter-State Criminal Law," by Professor Rappaport, and "The Revision of Treaties," by Dr. Paul de Auer. In the former we find the following striking passage: "The menace of a new war, of a brutal aggression carried out by an aggressor confident in his strength, which bears deservedly the criminal character of an aggressive war, is becoming effective in spite of the appearances of an established peace. It necessitates the discovery of an entirely new rule of International Penal Law." From Dr. de Auer's paper we quote the following: "Efforts now have been made to create such a forum as would be qualified to ascertain whether conditions have in fact essentially changed, and the treaties have become in consequence thereof inapplicable, and to ascertain even the fact whether the maintenance of a treaty imperils universal peace. Unfortunately this forum created by the League of Nations does not answer its purpose, neither is its ineffective rôle apt to lead us to the desired solution. The fact whether a treaty is valid or not, whether a one-sided departure from it is right or wrong, whether essential conditions imperil peace, only an objective judicial forum, the International Hague Court, would be competent to decide, and not the League of Nations, which is a political body."

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