

BOOKS AND PERIODICALS.

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BOOKS ON INTERNATIONAL LAW.¹—Case books on international law were all too few; and such as did exist were rapidly becoming obsolete, in that they did not make available the large number of decisions and awards handed down by national and international tribunals since the war. The war itself, the Treaties of Peace, the League of Nations, The Permanent Court of International Justice, the International Labour Office, Mandates and Minorities, the new status of the British Dominions, and the changing attitude of Asiatic countries and of Russia toward the Western World, have necessitated a restatement of much that was accepted, and have contributed largely toward the rapid growth of international law.

To those who consider that there is no such thing or who feel with Austin that "international law" is not law at all, Professor Hudson's and Professor Dickinson's books will come as something of a shock for they contain between them close on three thousand pages of material, most of it case law, and the future promises to be even more productive of similar material.

There is no need, here, to go into the respective merits of the various methods of teaching international law. It is sufficient to say that these two books will prove of inestimable value to teachers and students alike, and will in addition provide the legal profession with an excellent selection of modern cases, many of which are difficult of access in their original form.

Professor Hudson's book is the larger of the two and is composed almost entirely of reported cases and awards of courts and tribunals in the United States, Canada, and Great Britain, and the world generally, together with the most important of the decisions and awards of international courts and tribunals. Interspersed in the appropriate sections are a number of relevant treaties and agree-

¹ *Cases and other Material on International Law.* By Manley O. Hudson. St. Paul: West Publishing Co., 1929. Pp. XXXV., 1538. *A Selection of Cases and other Readings on The Law of Nations*, chiefly as it is interpreted and applied by British and American Courts. By Edwin De Witt Dickinson. New York: McGraw-Hill Book Co., Inc., 1929. Pp. XXII., 1133. Price \$6.00.

Handbook of International Law. By George Grafton Wilson, 2nd edition. St. Paul: West Publishing Company, 1927. Pp. XXII. 567.

ments and some extracts from National legislation. An excellent bibliography of material "essential to a working library of international law" is included, and an imposing table of cases, cited or reported. This last would be more useful if some indication of the date and form of each decision were given. For instance, an important case decided by the Privy Council in Great Britain in 1916, might be listed.²

The classification of the subject-matter is simple and convenient, although no doubt there are those of the old guard who will question the propriety of including chapter III., "Nationality," chapter X., "International Regulation of Commerce and Industry," and chapter XI., "The Treatment of Aliens," in a book on international law, on the ground that such topics belong properly to conflict of laws and political science. The laws of war are given scant consideration, and war itself is only dealt with as it affects the peace time intercourse of States, e.g., the effect of war on treaties.

The book, as Professor Hudson expressly states in the preface, is designed chiefly for the use of students in American law schools, but the extensive selection of cases, the accuracy and appropriateness of the editor's notes and the energy he has shown in consulting every available source of international case law, down to the date of publication, make it extremely valuable to every one who has any interest whatever in international law. Canadian courts have not been productive of many decisions affecting international law, but such as there are seem to be included, even to a note on *In re Incampe*, decided only last year in a Nova Scotia court.

* * Professor Dickinson's book is almost as large and quite as attractive in form as that of Professor Hudson, but it differs from it in a number of respects. It is primarily a book for students and teachers of international law, and is the result of the experience gained in some ten years of teaching at the University of Michigan. Because of this the author has, like Professor Hudson, omitted "most of the relations of war, much of the relations of neutrality, and such of the relations of peace as are still governed by essentially political standards." He has included, however, a large number of very interesting and appropriate readings taken from the standard treatises on international law, from Grotius on. Their place in a case book is questionable. They occupy a good deal of space that might otherwise be given over to additional cases, and students tend to read them first and take from them their opinions, rather than working them out for themselves after consulting the cases in point.

² *The Zamora*, [1916] 2 A.C. 77.

However, that is a question of pedagogy, and Professor Dickinson must have satisfied himself of their value or he would not have included them. The table of cases is not as extensive as that of Professor Hudson, and there is no indication in the table as to the date or source of the cases. The arrangement of subject-matter is along the usual lines, but as the author indicates in the preface, he has not confined his attention to strict international law, but has included a good deal of what is properly speaking, private international law and constitutional law. Extracts from treaties and national legislation are included in the appropriate sections. The footnotes are extensive and serve as a guide to the literature on the various topics considered. There do not appear to be any Canadian cases printed, but as I have already pointed out, Canadian courts have not had to deal with many matters of international importance, and Professor Dickinson's book is essentially a teacher's book and not a collection of cases. It should prove most satisfactory to teachers and students who are dealing with the more elementary principles of international law. Professor Hudson's book on the other hand, though more difficult to use in a class room, should be of more value to advanced students, and to those lawyers who desire a general collection of cases on international law.

Both books are a credit to their respective publishers and their price is very reasonable.

* * The second edition of Professor Wilson's "Handbook on International Law" appeared some little time ago but a word about it here may not be out of place. The author is one of those who consider that the war, and post war events, have not made any fundamental changes in international law, and, as one might expect, the present edition of his book is but an enlargement of his earlier work of 1910. The same method of treatment—a short statement of leading principles followed by a more extensive statement by way of explanation and amendment,—is followed throughout. As a text-book for students there is much to be said for this method, in that a dogmatic statement of the law invariably stimulates criticism and opposition among those who have to study actual cases.

The first 234 pages of the book are devoted to the "laws of peace." The next 226 to war and neutrality; the last 107 to some appendices (among them a number of pre-war conventions regulating the conduct of hostilities) and an index. This division is in line with orthodox pre-war practice, but the importance accorded war and neutrality is, in my opinion, unjustified. Few lawyers are called upon to prepare briefs or plead cases arising out of the actual

conduct of hostilities and neither governments nor armies are in the habit of giving much consideration to laws regulating their war-time practices, if policy and self preservation dictate another course of action.

Some mention is made of the post-war organization of international society; and the covenant of the League of Nations and the statute of the Permanent Court of International Justice are included among the appendices. Other references to the work of these organizations and to their effect on international law are all too few. A number of the now practically obsolete Conventions of the Hague and the still-born Declaration of London printed as appendices might well have given place to more modern material. A table of cases too would be a convenience.

Having said all this, one must admit that such radical alterations would have necessitated a new book, and that was not the purpose of the author.

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BANKRUPTCY LAW.—This volume of these useful Reports¹ is an annotation of and in a way, a commentary on the Canadian Bankruptcy Act. It aims to cross-reference completely the sections of the Act and the Rules, to provide the practitioner not only with the statutory forms, but also with other useful forms for practice not prescribed by the Legislature, and to annotate thoroughly the Sections and the Rules with every Canadian case deciding any useful point of Bankruptcy law.

This work has been well done. The growing case law made by all the courts of Canada interpreting our Act in the light of the Common law, Equity and the parent Act, the English Bankruptcy Act, have been sorted into proper places,—decisions often being found under several Sections and Rules. It seems that no effort has been spared to make the book practically useful. The index is good.

The volume does not aim to be a text book on Bankruptcy law. The life of all text books is unfortunately for us all too short. One purporting to annotate an Act still going through its growing pains and bound to be changed by amendments must necessarily be shorter. One does not expect in such a book full statements, his-

¹ *Canadian Bankruptcy Act Annotated*. A Consolidation of the Canadian Bankruptcy Act. Vol. 9. By S. H. Bradford, K.C., and J. H. Greenberg. Toronto: Burroughs & Co. (Eastern) Ltd. 1929.

torical and comparative of Bankruptcy and Insolvency law and Winding Up statutes and cases. For these one goes elsewhere. Nevertheless, Volume 9 is the only one volume "text book" there is on Canadian Bankruptcy Law, and it will fill admirably the useful purpose it was meant to serve. To the practitioner it is indispensable.

The death of one of the editors, Mr. S. H. Bradford, K.C., one of the Lecturers of the Law Society of Upper Canada, is much regretted. Mr. Greenberg finished the book after his death in the midst of the work.

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NOTES ON RECENT BOOKS.

BY THE EDITOR.

A LAMP FOR THE LAWYER'S FEET.¹—Master Jelf, in his *Where to Find Your Law*, says of the familiar Maxwell: "This work fulfills a purpose for the lawfinder's benefit which no other book fulfills so adequately." How excellently the word "lawfinder" describes the rôle of one who is compelled to thread the tenebrous paths of legislative terminology!

Mr. Bridgman has not disturbed the late Sir Peter Maxwell's plan of the work, and yet he has not hesitated to delete matter in earlier editions which is not of high importance at the present time. The busy counsel of to-day will also appreciate the practice of the editor in citing the short title of statutes instead of the full title wherever this could be done. With respect to the part played by the title of an Act in case of ambiguity arising upon the language used in any of its provisions, the text (at p. 36) lays it down in capital letters that "it is now settled law that the title of a statute is an important part of the Act;" and the editor adds that "this rule seems to apply to the 'long' and the 'short' title alike." We are not so sure that the weight of authority supports the last clause of the passage quoted.

We also think that in view of the new light thrown upon the constitutional history of England since the treatise was originally written that the following passage on p. 117 should have been de-

¹ *Maxwell on the Interpretation of Statutes*. 7th edition. By G. F. L. Bridgman. London: Sweet & Maxwell. Toronto: The Carswell Company Limited, 1929.