REVIEWS AND NOTICES

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Private International Law. By G. C. CHESHIRE, D.C.L., M.A. London and Toronto: Humphrey Milford, Oxford University Press. 1935. Pp. lx, 584. ($7.50)

Here is a text book written with style. Its merits also include the precision and careful workmanship to be expected from the author of *The Modern Law of Real Property.*[1] Its faults, and they are relatively few, are of the sort that might be expected when a lawyer thoroughly saturated with the atmosphere of real property attempts to become acclimatized to the freer air of the conflct of laws.

This work contains more constructive criticism of judicial and text-book dogma than readers are accustomed to expect of English treatises. In his introductory chapters the author lays the foundation for criticism of the precepts and ideas subsequently encountered. In his first chapter, upon the definition and scope of Private International Law, he departs at once from the customary method of English legal authorship by presenting a scientifically conceived statement of theory basic to this branch of the law. Avowedly borrowed in essence from Harvard's Professor Beale, this statement is phrased with notable lucidity, and a simplicity likely sometimes to mislead the uninitiated reader into a false confidence toward the problems soon to confront him. New to an English text, and produced in this chapter with an air of discovery, is a discussion of "classification" or, as Dean Falconbridge has more aptly called it, "characterization", the process which is a necessary (if often unwittingly performed) preliminary to every choice of law.[2] Some previous discussions of this latter topic in Anglo-American literature have been more adequate.[3]

In the next chapter there is accurately sketched, in twenty interesting pages, the history of the fundamental theories antecedent to the modern theory elucidated in the first chapter. As this book is a study of the common law, that theory inevitably is comprised of the territorial and vested rights doctrine hitherto expounded by Story, Dicey and Beale.

The introductory part is concluded with a chapter entitled General Principles Relating to Jurisdiction, which turns out to be merely a statement in general terms of "the circumstances in which English Courts are competent to entertain cases that involve some foreign element".[4]

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[1] 3rd ed., 1933.

[2] The author states that he drew almost exclusively for his material on "classification" from an article by W. E. Becket in British Year Book of International Law, 1934, pp. 46-81.

[3] See Lorenzen, *Theory of Qualifications and the Conflict of Laws* (1920), 20 Colum. L. Rev. 247; FALCONBRIDGE, LAW OF MORTGAGES (2nd ed., 1931) at p. 734, BANKING AND BILLS OF EXCHANGE (5th ed., 1935) at p. 869.

[4] At p. 50. They are of course competent when they have jurisdiction in the international sense and, owing to the doctrine of the supremacy of Parliament, they also have competence, but not necessarily jurisdiction in the international sense, when the facts bring a cause within Order XI of the Rules of the Supreme Court.

Surprisingly, the reader must turn well toward the back of the book to find a reference to the decisions concerned with the jurisdiction of a foreign court, the material more relevant to the subject indicated by this chapter's title. And there, on page 490, the author tells us that: "The truth is . . . . that the Courts have not yet arrived at a general principle, and we must therefore content ourselves with repeating the catalogue of the circumstances in which, according to the decisions, a foreign court will be deemed rightfully to have exercised jurisdiction over the defendant." Very likely the courts have made no such generalization, but the author might well have formulated one from the ample case material which he catalogues and in the light of the pregnant statement of basic theory with which his book begins. In the introductory Jurisdiction chapter, at page 50, one is told that "The doctrine of English Law is that the exercise of civil jurisdiction . . . . must in all cases be founded upon one or another of two principles, namely, the principle of effectiveness or the principle of submission."[5] But in his catalogue of circumstances under which English courts have recognized jurisdiction in foreign courts there is apparent at least one actual if not verbal departure from effectiveness and submission as essential criteria. Is the inference that English courts allow foreign courts jurisdiction which they do not themselves possess?[6]

The chapter on domicile, insofar as it concerns natural as distinguished from corporate persons, is a masterpiece of clear analysis, and the confusing *renvoi* doctrine has never been better explained. But the author in this chapter[7] merely states the effect of the reactionary decision of the Privy Council in *Attorney-General for Alberta* v. *Cook*[8] with tacit acquiescence, and in his later chapter on Husband and Wife he essays for it a scant and unconvincing apology![9] Perhaps the rule petrified by that decision is sufficient in England: in Canada it led to the enactment of the *Divorce Jurisdiction Act, 1930*.[10] As to the domicile of corporations, the author

[5] The author further explains this "effectiveness" theory (enunciated by Dicey) in part as follows: "The principle of effectiveness means that a judge has no right to pronounce a judgment if he cannot enforce it within his own territory. The elementary fact several times stated by Holmes, J., that 'the foundation of jurisdiction is physical power' is worthy of attention. . . . . ." But the common law has long since ceased to require physical power to *enforce* a judgment *in personam* as a basis for personal jurisdiction, and has been content with *service* within the territory of the court. Conflict of laws problems as to personal jurisdiction have to do not with the physical power to enforce a judgment but with the purely intellectual function of creating rights through the medium of the judicial process. Despite the language of Holmes J. the United States Supreme Court has recently upheld the exercise of personal jurisdiction upon the wider and more intelligent basis of reason, expediency and fairness, in cases where there was no physical power over the defendant and where, although the Court talks in terms of submission, consent was purely fictional. See *Hess* v. *Pawloski* (1927), 274 U.S. 352; 47 S. Ct. 632; *Doherty* v. *Goodman*, (1935), 55 S. Ct. 553. Has not the English common law of personal jurisdiction in the international sense progressed beyond the limits formerly imposed by a rule of local procedure now long obsolete?

[6] Other defects in the author's disappointing treatment of jurisdiction have been pointed out by another reviewer and will not be repeated here. See Julius Stone in (1935), 49 Harv. L. Rev. 168. See also Professor Stone's sound criticism of the chapter on torts.

[7] At p. 119.

[8] [1926] A.C. 444.

[9] Ch. XI, at p. 272.

[10] Stat. of Canada, 20-21 Geo. V, c. 15. See (1931), 9 Can. Bar Rev. 73.

concludes on page 128 that a corporation is resident or "quasi-domiciled" in any country in which it substantially does business. However, after reading the discussion of the nebulous English cases purporting to fix such a "domicile", one wonders whether there is really any such concept, and certainly must question the utility of blotting the clouds under the coined term "*quasi*-domicile."[11]

Apart from some minor imperfections already noted by another reviewer,[12] the chapter on contracts is most skilfully done. Especially the author's restatement of the doctrines of the "proper law" of a contract should be read and well pondered by all lawyers, including those on the bench.[13]

The recent English cases on jurisdiction for annulment of marriage are logically analyzed.[14]

Finally, the reviewer heartily agrees with every word of the author's criticism of the cases which affirm that an allegation in the defence to an action on a foreign judgment that it was secured by fraud will present a good defence, even though proof of such fraud will necessitate the retrial of the original case on the merits.[15] There is support for his position in the Canadian cases.[16]

The occasional inadequacies and inaccuracies detectable in this book simply serve to accentuate its general excellence. With its readability, superior treatment of most of the recent English authorities, and its constructive and lawyer-like approach, it seems almost bound to supplant its predecessors as the standard text on its subject. Future legal authors in every field may well make it their model. Emphatically, however, it is an English book, conditioned by its insular material, and for the Canadian lawyer must be merely introductory to the books and articles of Falconbridge and Walter Johnson.[17]

HORACE EMERSON READ.

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Manual of the Law of Evidence. By the late SIDNEY L. PHIPSON, M.A. Fifth Edition by ROLAND BURROWS, K.C., assisted by C. M. CAHN, B.A. 1935. London: Sweet and Maxwell; Toronto: The Carswell Company. Pp. 344. ($3.75)

The fact that a book has reached a fifth edition may be said to be prima facie proof of its value. A presumption is raised in its favour which makes praise or blame by reviewers of little significance. Such prima

[11] *Cf.* the American Law Institute rule that "A corporation is domiciled in the state where it was incorporated and cannot acquire a domicil outside the state".—Conflict of Laws Restatement, s. 41.

[12] Stone, *op. cit.*

[13] Note the language of the court in *Richardson* v. *S. S. Burlington*, [1931] S.C.R. 76 at pp. 78-9; *Bunge North American Grain Corporation* v. *Steamer "Skarp"*, [1932] Ex. C.R. 212 at p. 217; *Commercial Securities Ltd.* v. *Nichols*, [1933] 1 W.W.R. 484 at p. 486.

[14] At pp. 251-266.

[15] *Abouloff* v. *Oppenheimer* (1882), 10 Q.B.D. 295; *Vadala* v. *Lawes* (1890), 25 Q.B.D. 310; *Ellerman Lines* v. *Read*, [1928] 2 K.B. 144.

[16] See (1930), 8 Can. Bar Rev. 231.

[17] There are a very few references to Dominion decisions, and they are inconsequential.

facie proof and presumption of utility can fairly be claimed by the present manual. Students, for whose use the title page says it is designed, must obviously have found it useful as evidenced by successive editions. The present edition preserves the distinctive features which made the book useful for students in the past and, with the improvements now made, it should continue to be equally useful in the future.

That the book is not indeed as good a book for student purposes as one could desire is not sufficient reason for not recognizing its merits. The feature of arranging examples in parallel columns in which facts which are admissible as evidence for certain purposes are set over against those which are inadmissible, is, of itself, a feature of outstanding value. And, *exceptis excipiendis*, one can join in the statement made by a previous reviewer (Columbia Law Review) and printed on the wrapper, that "The book . . . . . gives evidence of careful research and painstaking labour. . . . Indeed, it may fairly be said that the book is the best short treatise of evidence that has appeared in England."

The main objection which may be made to the present manual is one which it has inherited from the parent treatise by the same author, the defect of *arrangement*. For a practitioner, indeed, the matter of arrangement of a book on evidence is of relatively little importance. So long as the practitioner can, by the aid of a good index, find the rule and the authorities supporting it, it matters little to him under what caption or in what sequence such rule may appear in the book which he consults. But for the student, seeking to obtain a view of the subject of evidence as a whole, and as a rational system, the order and arrangement of a textbook is of primary and even pre-eminent importance. It is in this respect that, in the opinion of the present reviewer, this manual fails to achieve the excellence which may be accorded to it in other respects.

A student using this book only will have difficulty, for example, in grasping what the great Thayer stated as the fundamental principle of admissibility, which is, to paraphrase freely, that all that is, according to ordinary experience, logically probative to establish the truth of any proposition of fact in a litigant's case, is admissible as evidence; also that to this fundamental principle there are exceptions based on certain exclusionary rules which shut out, on grounds of expediency and policy and for purposes of fair trial generally, this and that kind of evidence notwithstanding that it may be logically probative; and that to these exceptions there are, in turn, other exceptions (notably in the case of hearsay evidence), such latter exceptions operating in effect, as affirmances of the original fundamental rule as indicated above. This general pattern of the English law of evidence, of so much importance to the beginner, the present manual is not, by reason of its arrangement, well suited to give.

The retention of the term "res gesta" as part of the heading to Chapter V is one that can hardly be regarded as other than a major defect, especially when the student is given no hint of the condemnation of the term alike by English and American writers on the law of Evidence. It is, said Mr. Justice Stephen in his Digest of the Law of Evidence, an expression which "seems to have come into use on account of its convenient obscurity". Thayer denounced it as "an expression of intolerable vagueness"; while Wigmore, in more trenchant terms, characterizes it as "not only entirely useless but even positively harmful . . . . . an unmean-

ing shibboleth . . . . . nowadays most frequently used merely as a cover for loose ideas and ignorance of principles". [See 4 C.E.D. (Ont.), p. 615].

If one were inclined to be severe in his criticism he might tabulate a number of particular statements in the book which are liable to mislead. Thus a statement on p. 11 might give a student at first the notion that estoppel is a rule of evidence, a notion which he would not have corrected until he reached p. 310. The statement on p. 13, that "Admissibility is therefore a term *wider* than Relevancy" is likely to be confusing to the beginner, who may well ask how this can be if Admissibility is Relevancy cut down by exclusionary rules, after deducting from the latter the exceptions thereto. The same objection applies to the statement on p. 32, that "numerous facts . . . . . are legally admissible though they may have no logical bearing on the issue." What is meant is doubtless that facts are often admissible to enable the trial judge to determine the preliminary question of the admissibility of evidence, which are not relevant to the issues in the case; but even so, it cannot be said such facts "have no logical bearing on the issue," i.e., the issue which the judge at that point has to decide, the issue of admissibility. Again the proposition, on p. 26, that "the burden of proof in this sense (that of establishing a case) is fixed at the beginning of the trial by the state of the pleadings . . . . . remaining unchanged throughout the trial exactly where the pleadings place it, and never shifting under any circumstances whatever," is one which, it is submitted, cannot be maintained without ignoring the decisions in cases in which, as illustrated by *Winnipeg Electric Co.* v. *Geel*, [1932] A. C. 590 at pp. 695 *ff.*, the principle of *res ipsa loquitur* or a statutory presumption of negligence comes into play *in the course of the trial*; also cases in which, as in *Green* v. *Mulmur* (1926) 58 O.L.R. 259, breach of a statutory duty to repair is shown in the course of the trial.

Nevertheless when all these and other criticisms which might be made are made, the book can still be said to be of value to a student when read in conjunction with some other exposition of the subject which will give him guidance on such matters as are indicated above.

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The British Year Book of International Law, 1935. London and Toronto: Humphrey Milford, Oxford University Press. 1935. Pp. vi, 248. ($4.75).

This sixteenth annual volume of the British Year Book of International Law opens with a graceful and sympathetic tribute to the late Alexander Pearce Higgins by Arnold D. McNair. Then follow nine signed articles (148 pages), notes on 24 different topics of international interest (33 pages), a summary of judgments of the Permanent Court of International Justice (13 pages), a summary of decisions of English courts during 1934 involving points of international law (16 pages), reviews of 23 books (13 pages), reviews of current periodicals (9 pages) and a bibliography (9 pages). While it is not practicable to mention specifically any items other than the signed articles, it should be observed that the other parts of the book contain a

record of events and publications which is indispensable to the international lawyer and of interest to the general reader.

The "Pure" Theory of International Law, by J. Walter Jones (p. 5), may be usefully compared with P. E. Corbett's *Fundamentals of a New Law of Nations* (1935), 1 University of Toronto Law Journal 1. *Delimitations of Right and Remedy in the Cases of Conflict of Laws*, by A. Mendelssohn Bartholdy (p. 20), forms an interesting supplement to W. E. Beckett's *The Question of Classification ("Qualification") in Private Internationa Law*, published in the Year Book for 1934, p. 46, both articles being valuable contributions to the discussion of the problem of characterization (which only recently has begun to attract the attention which it merits in English conflict of laws). *Some Defects in the English Rules of Conflict of Laws*, by J. G. Foster (p. 84), is an effective attack upon some of the vulnerable features of current English theory. The other articles are *The Retroactive Effect of the Recognition of States and Governments*, by J. Mervyn Jones (p. 42), *The Independence Granted to Agents of the International Community in their Relations with National Public Authorities*, by Jacques Secretan (p. 56), *The Relation between Membership of the League of Nations and Membership of the International Labour Organization*, by C. W. Jenks (p. 79), *The Effect of Withdrawal from the League upon a Mandate*, by Quincy Wright (p. 104), *The League of Nations and Refugees*, by Norman Bentwich (p. 114), and *The Members of the League of Nations*, by Manley O. Hudson (p. 130).

JOHN D. FALCONBRIDGE.

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Civilisation and the Growth of Law. By WILLIAM A. ROBSON, Ph.D., LL.M., B.Sc. (Econ.). Barrister-at-law of Lincoln's Inn; Reader in Administrative Law in the University of London. London: Macmillan and Company. Toronto: The Macmillan Company of Canada. 1935. Pp. xv, 354. ($3.75).

The learned author is fully conscious of the very ambitious nature of this work which involves an attempt "to take the whole world for one's parish" in the field of law. The object is stated to be "to depict the interactions between people's ideas about the universe on the one hand and the laws and government of mankind on the other". Dr. Robson also states that "the essential aim throughout has been to present a synthesis". The magnitude of the task may be in part appreciated from the fact that nearly three hundred writers or other authorities have been referred to either in the text or the footnotes. The quotations are extensive.

Part I deals with the origins of law. A somewhat fruitless first chapter in which many well-known definitions of the term "law" are criticised is followed by several chapters containing highly interesting material. The author shows quite convincingly that superstition and religion have influenced legal and political institutions. In Chapter VIII which deals particularly with criminal law in primitive society the theory is advanced that the earliest historical origins of punishment are to be found in the doctrine of purification rather than in retribution. Part I concludes with

a very readable description of the struggle which culminated in a recognition of the concept of the sovereign legislature.

Part II is entitled "The Law of Nature". The history of the law of nature concept is told in a very interesting manner. The author does not attempt a vigorous criticism of the theory. Particularly lucid is the explanation of the transition to a theory of natural rights.

Part III deals with "The Nature of Law". An attack is made upon the barrenness of English jurisprudence in general and upon John Austin in particular. The author does not hesitate to brand Austin's definitions of law as false. But when the author contrasts the so-called laws of natural science with laws as dealt with by lawyers he appears to get back to the gist of the Austinian definition, namely, the concept of authority. And while it is true that very few jurists in England have elaborated liberal theories of law, can we say that the law in action has been altogether barren?

It may be submitted that the author does not complete his synthesis. A discussion of law as a pattern of conduct and an insistence that attention should be directed to the underlying arrangements and sociological realities rather than to the source from which law emanates or the form it assumes suggests the modern school of realists in the United States.

This book should prove of great value. It indicates the possibility of a great field for research in the matter of historical origins. It suggests that something more than mechanical perfection is demanded of a member of an organized Bar. It should stimulate thought on the part of everyone who is interested in the struggle of mankind, to use the words of Holmes, "from savage isolation to organic social life".

F. C. CRONKITE.

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The Interstate Commerce Commission. Part III., Volume A. By I. L. SHARFMAN. New York: The Commonwealth Fund. 1935. Pp. xii, 648. ($4.50)

At a time when legal institutions throughout the common-law countries are undergoing great changes, and when both existing legal institutions and those which are being substituted for them, are being subjected to continued and often uninformed criticism by persons whose views are derived chiefly from conceptual principles, it is refreshing to find a careful and analytical study of one of the new legal institutions such as the one under review. The learned author of the series on the Interstate Commerce Commission seems to have realized, as few writers on administrative law have realized, that a general defence or criticism is of little creative value, since whatever arguments are adduced on either side may be rebutted by the citation of particular instances of an opposite nature. In fact, until many studies such as the present one have been prepared, a proper evaluation of administrative law is impossible. No doubt it is of value to have general studies, not only for the purpose of exposition, but also in order to ensure that all developments will be kept before the public so that any abuse might be checked before it has gone too far. However, it is submitted that it is impossible to over-estimate the importance of studies

of particular administrative authorities to see why they arose and how they work.

The present volume is the third in the series prepared by the learned author and the publishers advise that two further volumes are to follow. In the earlier volumes Dr. Sharfman dealt with the legislative bases of the Commission's authority and with the scope of its jurisdiction. About these previous volumes one can only say that the chorus of approval was unanimous. Now we have the third volume which deals with the character of the Commission's activities, and this volume is also on the same high plane as the previous ones. Here we have an analysis of the Commission's tasks, the valuation project and the control of organization and finance. Here also we can see clearly how the training of the author, both in law and in economics, has proved of immense value, for without this training it would have been possible to give only a partial view, which might be obscured by failure to appreciate the social problems involved. The publication of this volume brings to the front again the difficult problems that face the leaders in legal education, and we are driven to the conclusion that no longer can a lawyer isolate himself and insulate his activities from those of other members of the community. All the social sciences are kin.

For a Canadian reader the volume is of timely and practical importance, because today we are facing problems, in the field covered by this study, just as pressing as those which confront our neighbours, but without the aid of studies such as the one under review. Since we lack guidance of this sort we must perforce avail ourselves of whatever assistance is at hand, and the lawyer, the economist and the politician in Canada will always owe a debt of gratitude to Dr. Sharfman. In addition, we do not hesitate to recommend the volume to the student of administrative law, whose interest in the problem may be of a more general nature, but who, nevertheless, cannot fail to be impressed by the "justice" administered by such a tribunal, even though its proceedings are not hallowed by the traditions of the common law. Indeed, he may begin to realize that the redemption of society lies not in institutions but in the virtue with which they are administered.

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Res Judicatae. Magazine of the Law Students' Society of Victoria. Volume I, No. 1. Published by the Law Students' Society of Victoria. Melbourne: The Law Book Company of Australasia. Toronto: The Carswell Company. 1935. Pp. 79. (50 cents)

It is a pleasure to welcome this new periodical, published under the auspices of the Law Students' Society of Victoria, to the growing field of legal periodicals. The last thirty-five years has seen a tremendous increase in the number of law journals and law reviews in the United States, an increase that is not, perhaps, wholly without disadvantages. In the welter of periodical literature it must be the rare thing to find an article of lasting importance, and as it is impossible for any one reader to subscribe to *all* the periodicals he is bound to miss many of these outstanding contributions.

On the other hand, as most of the legal periodicals are published under students' auspices, there can be no doubt of the value, to those students who are given an opportunity of working on them, of the legal research entailed in the writing of case notes and comments.

The present publication is one that should certainly be welcomed by the Canadian lawyer who is interested in common-law development. In the opinion of the present reviewer there is altogether too little attention paid to developments of law in the other Dominions, and perhaps too much concentration on the case law of England. The writer has found from personal experience that in many instances the best possible elucidation of principle can be found in an Australian or New Zealand case, and anything which serves to inform us in this country of the work being done in Australia cannot afford to be ignored by anyone who is concerned with the application of English doctrines to conditions which, perhaps, more closely approximate our own than those in England.

According to the foreword, the new magazine is designed "to encourage among students at Melbourne an active, critical and creative interest in the current development of the law," and there can be no doubt that students who have the task of producing a legal periodical will take a keener interest in legal research than those who are merely exposed to the finished product. The present undertaking, therefore, indicates that there is a renewed interest in legal education in Victoria of which we in Canada might well be envious.

Judging from the first number of RES JUDICATAE the policy of the Review seems to tend, not so much to the more lengthy and exhaustive type of law review article, as to a number of short articles, some of which are little more than notes, on a number of diverse topics. Much can be said of the short article and the diversified bill of fare which a collection of such articles provides, although, in the opinion of the reviewer, it would have been more desirable to expand some of these articles instead of aiming at a multiplicity of shorter notes. This is a matter of opinion, however, and it may very well be that in an annual volume such as this purports to be, the present system could not be improved on.

Perhaps the best way of obtaining an estimate of the present volume is to glance briefly at the contents of this first number, the bulk of which is provided by various members of the Law Faculty of the University of Melbourne. There is an article by Professor K. H. Bailey on *Appeals to the Privy Council in Constitutional Cases*, in which he glances at Canadian experience as indicating that stability of constitutional interpretation does not necessarily follow from retaining Privy Council appeals. There is a short article by Professor G. W. Paton on *Invitees and Related Problems*. The remaining ten articles, which of necessity are quite short in a magazine of 79 pages, deal with the effect of the Judicature Act; the Transfer of Land Act; the wife in the bankruptcy of her husband; a further comment on *Hurst* v. *Picture Theatres*, [1915] 1 K.B. 1, which was apparently not followed by the Full Court of the Supreme Court of New South Wales this year in a case of *Naylor* v. *The Canterbury Park Racecourse Company* (see pp. 24 *ff.*); administrative tribunals in Victoria; ultra vires torts; and the N.R.A. Codes of the United States. It is really amazing that in such short space the editors were able to accomplish so much. The number contains as well, discussions of recent legislation in England, a

Book Review department, and the customary case notes on recent decisions in Australia which should be of particular value to the Canadian profession.

On the whole, the Law Students' Society of Victoria is to be congratulated, and the very modest price at which the book sells should encourage the Canadian profession to take advantage of an opportunity of acquainting themselves with work being done in a Dominion with the same legal heritage as their own.

C. A. W.

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Forensic Chemistry and Scientific Criminal Investigation. By A. LUCAS, O.B.E., F.I.C. Third Edition. London: Edward Arnold & Co. Toronto: Longmans, Green & Company. 1935. Pp. 376. ($5.50).

A useful handbook for the practising barrister as well as the chemist, this work cannot, however, be ranked in the same class as some of the more famous text books on Forensic Medicine known to the legal profession. It is written by a chemist, more or less as a guide for scientific investigators. It does not profess to be a treatise upon the law, although there are quite a few references in it to cases at law. The author seeks justification for the recognition of an independent science of Forensic Chemistry, which he describes as "Chemistry exercised in the service of the law", complaining that much of what is commonly grouped under the heading of Forensic Medicine is really improperly so done, and that, in fact, "the detection of poison, blood and other matters by chemical examination is manifestly purely chemical and in no way medical." With the merits of this controversy, we, as a lawyer, are not qualified to deal, though it would seem that from the point of view of the layman, the proper attitude would seem to be to give to the term "Medical Jurisprudence" the broader interpretation, so as to make it inclusive of such departments as Forensic Chemistry. Such a text book as *Taylor's Medical Jurisprudence* would appear to deal with the matter in this way.

Some idea of the extent of the subject of Forensic Chemistry can be obtained from the following enumeration of some of the more important matters dealt with in this book:—Blood Stains, Counterfeit Coins, Examination of Documents, Ink and Pencil tests, Dust and dirt investigations as clues to the solution of crimes, a somewhat brief chapter on Fires and Insurance Frauds, Poisons, the examination of letters and parcels from which something is alleged to have been abstracted, and tests for the identification of given specimens of tobacco.

The book is not and does not purport to be an academic treatise. It is primarily a guide-book for the chemist who may be called before a judicial tribunal as an expert witness. At the same time it is written in such a manner that the lawyer can easily read and understand its contents, with a view to cross-examination of chemical experts. With this latter end in view, it can be recommended to the legal profession.

There is also an extensive bibliography, which should be of great service to the practising barrister in search of material for cross-examination.

MANNIE BROWN.

Toronto.

The International Law Association. Report of the 38th Conference held at Budapest, Sept. 6th-10th, 1934. London: Sweet and Maxwell. Toronto: The Carsewell Company. 1935. Pp. cliv, 356. ($12.00).

This volume is a verbatim report of the proceedings of the Association as conducted at its Conference in Budapest in 1934. The subjects more particularly dealt with are—"The Effect of the Briand-Kellogg Pact of Paris on International Affairs", "The Creation of International Courts of Private Civil Law", "Model Arbitration Clauses," "Trade-marks and Trade-names", "Payments in Gold and Other Currencies", "Insolvency", "Cartels" and "Nationality of Married Women". The general impression created by a perusal of the debates on these varied subjects is an impression of law not as a static thing but as a growing and vital force in human affairs.

The most significant work done at the conference and the most engrossing part of the book is that which is concerned with the Briand-Kellogg pact. The conference adopted certain articles of interpretation of the pact which, if approved by a sufficient number of governments, constitute a turning point in international law. So important were these articles that they elicited in the British House of Lords a lengthy debate, of which a full report is included in a valuable appendix to the report. Briefly, the effect of what have now come to be known as the Budapest Articles is that war is no longer a legal right of a sovereign state which is a party to the pact and that, by resorting to war, the previous so-called rights of belligerents are no longer acquired by such a state. Neither are there thrown upon other signatories either the duties of neutrals or any obligation to recognize territorial or other acquisitions of the defaulting state. These far-reaching conclusions are likely to be the subject of discussion for years to come and no student of international law can soundly dispense with this report in which the reasoning leading to their adoption is fully set out.

ANDREW S. SIBBALD.

Saskatoon.

BOOKS RECEIVED

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

Crankshaw's Criminal Code of Canada. Sixth edition, by JOHN E. CRANKSHAW. Toronto: The Carswell Company. 1935. Pp. cxi, 1770. ($20.00)

A Selection of Cases Illustrative of English Criminal Law. By COURTNEY STANHOPE KENNY, LL.D., F.B.A. Eighth edition by E. GARTH MOORE, M.A. Cambridge: At the University Press. Toronto: The Macmillan Company of Canada. 1935. Pp. xxii, 587. ($5.50)

La Clause "Dollar-or". La non-application de la legislation americaine aux emprunts internationaux. Deuxième edition. By MARTIN DOMKE. Paris: Les Editions Internationales. 1935. Pp. 105 (20 francs)

Wurtzburg's Law Relating to Building Societies. Seventh edition by G. W. KNOWLES, M.A. London: Stevens & Sons. Toronto: The Carswell Company. 1935. Pp. xxxv, 376. ($6.00)