REVIEWS AND NOTICES

☛ Publishers desiring reviews or notices of Books or Periodicals must send copies of same to the Editor, Cecil A. Wright, Osgoode Hall Law School, Toronto 2, Ontario.

Common Law and Statutory Amendment in Relation to Contributory Negligence in Canada. By CYRIL FRANCIS DAVIE, K. C. Toronto: The Carswell Company. 1936. Pp. xv, 294. ($6.00)

The reviewer regrets to have to say that in his opinion this book, though reflecting credit on its author in various respects, is both a bad and a dangerous one.

The author is to be commended for his courage in plunging into the jungle of cases which constitute the common law of contributory negligence and for doing what writers of English or Canadian law books seldom do, namely, writing a book with a definite thesis. He has also done an enormous amount of work in reading and weighing the authorities in relation to the law of contributory negligence at common law, in Admiralty, and under the Contributory Negligence Acts, and has compiled some interesting statistical data as to the results of appeals under the Acts. In the book the practitioner will find reference to many of the important decisions on contributory and ultimate negligence, and a comparison of those doctrines as applied in the common law and Admiralty courts, a consideration of cases in which the Acts have been rightly and wrongly applied, a useful grouping of recent cases with regard to six or seven typical situations of common occurrence, a chapter on wrongful and rightful interference with jury verdicts by appellate courts, and a further chapter on miscellaneous relevant matters.

The reviewer would like to conclude here with an expression of appreciation for the gallant and sincere way in which the author has explored a subject the difficulties of which are only too well known to the reviewer. But so to conclude would be an abdication of the reviewer's function which is to estimate the merits of the book under consideration and, particularly, to be a lamp unto the feet of the unwary. One must not succumb to the idea that the production of good Canadian law books will be promoted by indiscriminate praise of bad ones.

Mr. Davie's book is based on the twin beliefs: (a) that the common law of contributory negligence is a logical, scientific and highly satisfactory instrument for the settlement of the important question of responsibility for the negligent causation of accidents; (b) that the Acts are illogical, unscientific and unsatisfactory and yield uncertain and unjust results, that they unsettle what was gloriously settled, and "obfuscate" what was crystal clear before. Lyrical praise of the common law for its clarity of doctrine as to causation, contempt for the rustic justice of the Admiralty Courts, and an almost hysterical denunciation of the Contributory Negligence Acts as bastard offspring of Admiralty rules permeate the book. He seems blissfully unaware that numerous authorities have criticized the common law as being difficult of application and productive of unjust results. Indeed, the existence of the Acts in 4 of the 8 common law Provinces of Canada is due to the recognition of these very infirmities and to a desire to mitigate

the rigors of the common law. So far from there being anything inherently bad in the Acts, the only legitimate complaint against them is that they do not apply to sufficient cases and that too many plaintiffs are being debarred from the benefits of contribution from negligent defendants and remitted to the cold comfort of the common law which so often lets the loss lie where it falls. It is significant that the Canadian Bar Association and the Conference of Commissioners on Uniformity of Legislation in Canada have considered various plans for extending the scope of the Acts and that, so far from considering the abrogation of the Acts, they have been willing to abrogate the very common law principles which Mr. Davie so much admires, in order to release litigants from a system which subordinates justice to metaphysics.

Few will agree with him that the common law rules on this subject are clear, just or easy of application or that the Acts (which merely embody principles common to other systems) have made the situation worse. Yet in his conclusion[1] he says:

> "*Why this confusion? Why the persistency of this lamentable obfuscation* which has penetrated and marred the whole law since the inception of the statutory change? . . . . It may be not without justifiable apprehension that a litigant enters suit in a present day negligence action to which the statutory modifications apply, for past results would seem to indicate that he embarks upon a litigious voyage the chief feature of which is a *gambling uncertainty* as to the port he will reach, in place of having his rights submitted to adjudication *by settled law flawlessly established* over a period of many years and in connection with which there should now be neither doubt nor confusion".

How happy must be the lot of litigants and their counsel in the blissful realms of Prince Edward Island and the Prairie Provinces!

The true cause of "this lamentable obfuscation"[2]—the "radically faulty conceptions lying beneath the new field of administration now imposed upon the common law"[3]—"the cause of this law being battered from pillar to post in this uncertain fashion is directly traceable to *one cardinal factor* namely, *failure to hold to a steady conception of proximate fault*,[4] [which] arises primarily upon two considerations, the first of which is the erroneous incorporation of the *looser Admiralty principles of proximate cause* into the common law conception of that theory, and the second, failure to heed the presence of the secondary leg of the doctrine of contributory negligence,"[5] *i.e.*, ultimate negligence.

To this the reviewer would reply briefly; (1) that the failure to hold to a steady conception of proximate cause is no more marked since the Acts than before; (2) that this failure—if such there be—is not due to the importation of the looser principles of Admiralty in the matter of proximate cause for the reason that they are not looser, they are identical; (3) the doctrine of ultimate negligence or "last clear chance" is unaffected by the Acts, for when there is ultimate negligence the Acts do not apply, indeed,

[1] Pp. 269-71.
[2] P. 269.
[3] P. 2.
[4] The "failure to correlate the two vital elements or legs, of the doctrine of contributory negligence," p. 3.
[5] P. 269.

it is only *after* the question of ultimate negligence is decided in the negative that the question of the operation of the Acts can arise at all.

It seems to the reviewer that the great chasm which the writer sees stretching between the common law and Admiralty systems, in the matter of the determination of the proximate cause of an accident on land or at sea, has no existence. The causal criterion is the same under both systems; for, in each alike, if one party had the "last chance" he is deemed the sole cause and pays or suffers all the loss without diminution or contribution. It is only where there is no ultimate negligence—where the acts or omissions are concurrent—that there is a difference and that is a difference in *results;* the common law affords no remedy, the plaintiff fails entirely and bears his own loss, but in Admiralty the plaintiff gets contribution in proportion to the degree of the concurrently-negligent defendant's fault.[6] The importance of the author's thesis lies not in the mere fact that it is wrong but in the fact that it pervades and vitiates much of the otherwise admirable discussion of questions of detail.

It seems also that Mr. Davie misapprehends the principle of division of loss in proportion to fault which underlies the Acts; for he confounds what he calls "dual proximate fault" (*i.e.*, concurrent negligence), with apportionment of liability.[7]

> "We come now to a further complexity which has been introduced consequent upon it being necessary, having found dual proximate fault, also to determine the degree of fault of each litigant in order to apportion the damages as required by the statutes. And it may be permissible to at once inquire by what process of reasoning is a comparison to be made between *degrees of negligence* for the purpose of apportionment of damages when, before entering upon such comparison, it has been decided already that the respective negligent omissions are *equal in degree* as contributing factors in the mischief which occasioned the loss? Has the legislature not saddled the courts with the administration of one law in opposition to another by imposing upon them the antinomy that, notwithstanding both parties are *in pari delicto*, nevertheless the *delictum* of each must be measured in terms of greater or lesser degrees? *How can there be degrees between things that are equal?* . . . . . And even if this be overcome, the courts will be obliged to enter upon the illusory principle of *comparative negligence*, the framework of which can be supported by nothing stronger than guesswork or mere metaphysical speculation."

The situation is not at all complex, and juries have found no difficulty in finding both defendant and plaintiff to have been concurrently *negligent* and then assessing their *culpability* in varying proportions under the Maritime Conventions Act and under the Acts. In finding concurrent negligence the jury does not decide that "the respective negligent omissions are *equal in degree* as contributing factors". They find concurrent negligent in terms of *causation*, and the criterion of causation rests entirely on the *time-factor*, viz., if neither had an opportunity to avert the accident *after* the negligence of the other, neither is the Sole Cause; for the concurring negligence of each is the Cause. A finding of negligence is a finding as to

[6] The reviewer is fortified in this view of the absence of difference in determination of cause in the two systems by the opinion of Admiralty lawyers who disagree with Mr. Davie's thesis.

[7] P. 53.

cause and causal responsibility turns entirely on the presence or absence of *time to avert*. Up to this point the Acts are irrelevant and inoperative. If the jury finds that, by the time-criterion of cause, neither is the cause, the common law retires in impotence because it has received no answer to its only question: Which party was the cause?

The reviewer quite agrees that *comparative negligence* is inconsistent with the Common Law, that the concept of *degrees of negligence* is outmoded. But negligence is linked with causation. In law no person can be negligent save in the sense that his conduct has had causal consequences and, rightly or wrongly, the causal effectiveness of his conduct in law depends upon whether it operated *later* than that of the other party. Take a simple situation: A, a motorist, approaches an intersection without keeping a look-out. B, another motorist, approaches it from another direction at a speed of forty miles per hour. Each sees the other when too late to avoid collision. The common law says it is a case of concurrent negligence, it is impossible to say either had a later-chance-in-time of averting the collision, therefore the loss lies where it falls. Under the Acts, however, the jury is asked to consider another question:[8] Which of the parties was guilty of the more culpable conduct? In answering this question as to culpability it may properly find that he who was going at an excessive speed was more to blame than he who failed to watch out, and may penalize the one who was the more *blameworthy* whilst giving him some abatement because of the other's bad conduct.

The Acts *do* work.

Mr. Davie fortifies his conclusion that the Acts have confused rather than simplified the law by statistical tables[9] which reveal[10] that "out of the twenty-one negligence cases carried to the Supreme Court of Canada upon the vital question of proximate cause, as determined by the combined appellate Courts of Ontario, British Columbia, and New Brunswick, since the statutes came into operation, eleven have been reversed"—that "the results for such of the trial courts as have been appealed from in this connection show . . . ; nine out of twenty-one of their decisions having been reversed by the Supreme tribunal"—that "in those cases reviewed by the Supreme Court . . . . . the decisions upon proximate cause by the affected law courts of the three mentioned Provinces have been declared erroneous to the extent of over 47 per cent"—and "that out of these twenty-one cases only seven went through from trial to final appeal without being reversed at some stage of the journey".

These facts are indeed striking, but for two reasons the conclusion that they are due to the new Acts is not convincing. (A) The primary cause of reversal, etc., was error in the application of the common law doctrines of contributory and ultimate negligence, rather than the propriety of the division of loss under the Acts, which is a question which arises only after the situation has been held, on common law principles, to be one of concurrent and not ultimate negligence. (B) The conclusion is unsupported in the absence of comparable statistics as to the fate of the decisions of trial and appellate courts in cases to which the Acts do not apply at all. Every lawyer is aware of countless negligence cases at

[8] Not who *caused* the collision, that question is settled to the effect that neither did so, for the cause was the combined negligence of both.

[9] Appendices A and C.

[10] Pp. 1-2.

common law which have had careers similar to those cited, the records of which are studded with verdicts set aside and later restored, or affirmed and later set aside, and of directed new trials which in turn have gone through the same process of trial and error. Thus, to cite one example out of many, in *C.N.R.* v. *Green*, which was an ordinary level crossing case, the trial judge found for the plaintiff,[11] but this was reversed by the Alberta Appellate Division,[12] with two dissenting judgments, and this in turn was reversed by the Supreme Court of Canada,[13] with two dissenting judgments. In the result, out of a total of eleven judges six found for the plaintiff and five against him, in a case which involved only the application of the common law as to liability for negligent causation of an accident. This case is not cited because it is peculiar, but because it is typical of the difficulties of the common law in cases in which the Acts are not involved.

The reviewer has seen no evidence in this book or elsewhere for concluding that the Acts complicate the situation. In his view the situation is rather that the common law rules as to the determination of the cause of accidents allow great latitude for error of application, and when applied rigorously, as they too often are, they result in findings which prevent the application of the Acts altogether. It cannot be said too often that the question as to which party *caused* the accident is a common law question, even in the Provinces having the Acts; that the question of division of loss under the Acts is dependent upon a neutral answer to that question, and that the process of division of loss does not arise until the common law process has ended in defeat. There is, under the circumstances, no "antinomy" in the application of the doctrines, which are not "antagonistic" but complementary. The truth of the matter, it is submitted, is (A) that too rigorous application of the common law principles is destroying the efficiency of the common law action of negligence, and also curtailing the benefits of the Acts,[14] and (B) any uncertainty of result in those cases to which the Acts have been applied is due, not to error in apportioning the loss, but to error in the preliminary application of the common law.

It is only fair to say that the author has subjected many of the cases to penetrating criticism on the question of causation, and in various instances to the profit of the reader; but in other instances his criticism is unprofitable and deceptive because made in the light of criteria and views which to the reviewer, at least, are wrong in nature or degree. His criticism of the *Volute Case*[15] as being a very bad example in point of *decision* of the "common-sense" rule of Lord Birkenhead is one in which the reviewer concurs, with the reservation that the "rule" therein enunciated is a salutary one, the consistent application of which would redound both to the benefit of the common law and the Acts.

The reviewer sympathizes with the author in the fact that in the section relating to statutory rules governing the onus of proof[16] the reasoning of the Supreme Court of Canada in *Poole & Thompson, Ltd.* v. *McNally*[17] is set forth without mention of the recantation of that reasoning in *McMillan*

[11] [1931] 2 W.W.R. 886.
[12] [1932] 1 D.L.R. 253.
[13] [1932] S.C.R. 689.
[14] *Cf., The Negligence Action and the Legislature* (1935), 13 Can. Bar Rev. 535, by the present reviewer.
[15] Pp. 93 *ff.*, 271.
[16] Pp. 249-53.
[17] [1934], S.C.R. 717.

v. *Murray*[18] as it is probable that the report of the latter did not reach the author in time for consideration. He cannot, however, extenuate so easily the unquestioning acceptance of the statements in the earlier case—which indeed, apart from any formal recantation, are demonstrably wrong—in view of the way in which they had been already repudiated by the Supreme Court of Nova Scotia,[19] subjected to criticism in legal periodicals,[20] and the prompt manner in which the Legislatures of Alberta, Saskatchewan and Manitoba had acted to counteract their effect.

The section on Contributory Negligence in Children[21] omits reference to the fact that the doctrine of the identification of a child of tender years with the contributory negligence of its adult escort was rejected in *Oliver* v. *Birmingham Omnibus Co.*,[22] and the decision therein that *Waite* v. *N.E. Ry.*[23] must be taken to have been overruled by *Mills* v. *Armstrong* (*"The Bernina"*)[24] is a fact which escaped the author's notice, though it had been the subject of a lengthy comment in the CANADIAN BAR REVIEW.[25]

It is to be deplored that the author of a modern text-book, particularly one on a specialized and difficult subject, should ignore the wealth of stimulating, informative and critical material to be found in our legal periodicals. This is not a fault peculiar to Mr. Davie; but it is safe to assume that the book would have been better done and would have been enhanced in value to the practitioner if reference had been had and made to the periodical literature available on the various topics of the book.

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All England Law Reports (Annotated). Volume I. Published weekly by The Law Journal, London. Toronto: Butterworth and Company. ($12.00 per year)

The publication of a new series of English law reports is certainly apt to arouse very little sympathy, at first blush. There are already in existence so many excellent series that it would seem foolhardy to crowd an already crowded field. The reviewer admits that such were his feelings on having first placed before him the new *All England Law Reports, Annotated.* On closer examination, it is with a great deal of pleasure that he unreservedly recommends them to the Canadian profession. In so doing, four major considerations must be borne in mind.

In the first Part of the new series, issued on February 1st, the editor laid stress on the element of getting recent reports to the profession *speedily.* This is an item the importance of which cannot be overemphasized.

[18] [1935], S.C.R. 572.
[19] *Hanrahan* v. *McSween*, [1935], 2 D.L.R. 670. *Cf. Adams* v. *Adams*, [1935] 3 W.W.R. 542.
[20] *Vide* Editorial criticism in 4 Fort L. J. 247, and by the reviewer in a paper read before the Canadian Bar Association in August and reproduced in (1935), 13 Can. Bar Rev. 535.
[21] P. 256.
[22] (1932), 48 T.L.R. 540.
[23] Cited at p. 259.
[24] (1888), 13 App. Cas. 1.
[25] (1932), 10 Can. Bar Rev. 665.

Certainly we in Canada who suffer the hopeless delay in producing the Supreme Court of Canada reports have cause to appreciate just what this can mean. Again this reviewer, while lauding the aim, remained—as reviewers should—skeptical. It was easy to be up to date for a while with a new series. However, in Part 7, issued March 14th, of the twelve judgments reported in full, only two were delivered in February, and one was delivered as late as March 11th. That, we believe, is something to which we have not been accustomed in English law-reporting, and is a feature which should make this new series more than welcome in this country.

In the second place, there is, of course, no sense in speed if the editorial work suffers. On this score, however, there need be no misgivings. The head-noting is excellent and will compare more than favourably with any other series. In addition, each case contains an Editorial Note briefly commenting on the case, referring sometimes to other relevant authorities, and always giving the appropriate references to *Halsbury, Laws of England*, and the *English and Empire Digest*. This is not merely good business for the publishers, but should be of the greatest assistance in the preparation of briefs, where time is often of paramount importance. Naturally no one will depend on these references alone, but they will often furnish a starting point without which much valuable time may be wasted.

On the third score—that of price—there can surely be no complaint. Issued weekly in three volumes a year, the very modest price will no doubt furnish a real inducement to Canadians in particular, who must, of course, subscribe to various provincial and Dominion reports. We doubt whether any other series of English reports offers so much for so little.

And lastly, the format and printing are excellent.

We congratulate the publishers and editors on furnishing so excellent a service at such reasonable cost.

C. A. W.

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The Trial of Rattenbury and Stoner. The Trial of Sidney Fox. The Trial of William Gardiner. Three volumes from the Notable British Trials Series. Toronto: The Canada Law Book Company. ($3.50 per volume, or three volumes for $10.00)

Readers of biographies of leading advocates such as Marshall Hall and Carson, to name only two of the more prominent, are given the story of their *causes célèbres* from what is perhaps a biased point of view. This is to be expected. However a useful corrective to this result of a biographer's natural enthusiasm for his subject, can be found in the volumes published in the *Notable British Trials Series*. This series, now numbering upwards of seventy volumes, contains almost every outstanding British criminal case from the trial of Mary, Queen of Scots, down to the trial of Mrs. Rattenbury and George Percy Stoner which took place in May of last year.

The books under review begin, as did their predecessors, with illuminating and instructive introductions which capture the reader's interest by their penetrating analysis of the issues involved in the particular trial. Then follows a verbatim report of the evidence given at the trial, the speeches

of counsel and the summing-up of the Judge, and concludes with the verdict and sentence. Each volume is illustrated by photographs of the presiding judge, the leading counsel engaged in the case and the accused. The publishers show commendable restraint in omitting a group picture of the jury.

The recent trial of Mrs. Rattenbury and George Percy Stoner for the murder of Mrs. Rattenbury's husband excited wide interest not only in England, but in Canada, where the Rattenburys had lived for some years after their marriage. The story is a sordid and pitiful one. Stoner, a mere boy of eighteen, was the Rattenburys' chauffeur, and shortly after he was engaged, began to have immoral relations with Mrs. Rattenbury, a woman old enough to have been his mother. It is not clear whether or not the husband knew of their affair. On the evening of March 24th, 1935, Rattenbury was found in the living room of his home unconscious, with severe skull injuries, apparently inflicted by some blunt instrument. He never regained consciousness and died four days later. Mrs. Rattenbury and Stoner were charged with the murder of the deceased and tried together by Mr. Justice Humphreys and a jury at the Old Bailey in May 1935. The trial was unique in that neither accused sought to implicate the other. In fact, Stoner's counsel admitted that his client had struck the fatal blows, but at the time was so much under the influence of cocaine that he did not know what he was doing. After a strong charge, in which the judge directed the jury as a matter of law that they could not find on the evidence that Stoner was insane so as not to be responsible for his actions, Stoner was found guilty of murder and Mrs. Rattenbury acquitted. Stoner appealed without success to the Court of Criminal Appeal, but the day after the dismissal of his appeal, he was reprieved and his sentence commuted to penal servitude. Mrs. Rattenbury, driven by remorse and by the insistence of the yellow press for an "exclusive story", committed suicide a few days after the trial.

Sidney Fox was tried and convicted in 1930 for the murder of his mother. An undischarged bankrupt, he and his mother had lived for some time by defrauding hotels and lodging house keepers. His mother was found dead in a Margate hotel bedroom in which the chairs and carpet were blazing. It was first thought that the fire was accidental and that the old lady's death had been caused by heart failure. However, when it was discovered that Fox was the beneficiary of short-term life policies, usually issued to travellers, totalling $3000, which would have lapsed twenty minutes after the time she died, he was arrested and charged with the murder. The trial is particularly interesting because of the extraordinary conflict of expert medical evidence with respect to the cause of death. Sir Bernard Spilsbury and Professor Sydney Smith, outstanding British medico-legal authorities, were in complete disagreement concerning matters on which a layman might reasonably have expected medical science to be more exact. The case is also of interest because Fox was the only person convicted of murder since the establishment of the Court of Criminal Appeal who did not appeal to that Court.

The trial of William Gardiner, here presented, is the second of the accused for the same murder, the jury having disagreed at the first trial. After the second jury disagreed, the Director of Public Prosecutions lodged a *nolle prosequi*. In view of the evidence, it is surprising that the accused

was not acquitted. The trial took place in 1903 but was not edited and published until 1934.

A perusal of these three trials can not fail to impress upon a reader certain commendable characteristics of English criminal procedure. The judges in their summing-up do not hesitate to express in careful but forceful language their opinions on the facts, while at the same time telling the jury it is for them to determine the issues of fact and that in reaching their verdict they are free to disregard the judge's opinion. (See *Rex* v. *O'Donnell* (1917), 12 Cr. App. R. 219). The scrupulous fairness exercised by crown counsel both in their speeches and examination of witnesses in these trials gives a real meaning to the recent pronouncement of Mr. Justice Riddell "that in our law, a criminal prosecution is not a contest between individuals nor is it a contest between the Crown endeavouring to convict and the accused endeavouring to be acquitted; but it is an investigation that should be conducted without feeling or animus on the part of the prosecution with the single view of determining the truth", (*Rex* v. *Chamandy*, [1934] O.R. 208, 2 D.L.R. 48). Finally, the reviewer was particularly struck by the courtesy and good feeling which can be displayed by counsel without in the least impairing their usefulness to their clients, and which at the same time expedites the trial and prevents the principal issues from being obscured by petty and unmannerly squabbling over unimportant points. It is not suggested that these are not also characteristic of our Canadian criminal trials, but it cannot be denied that there have been occasions when they have been overlooked to the detriment of the public respect for our criminal justice.

It is unnecessary to commend these volumes to anyone acquainted with the previous publications of this series. It is sufficient to say that they conform to the high standard set by the earlier trials. They should be read by every lawyer who has any interest in either criminal law or trial practice, and particularly by law students, who will find here "law in action" presented in an instructive and certainly more exciting guise than he finds in the standard case books and texts.

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Transactions of the Grotius Society. Volume 20. *Problems of Peace and War.* London: Sweet & Maxwell, Ltd. 1935.

The contents of this volume are of exceptional interest and value. One has only to glance over the names of the distinguished writers of the papers of which the volume is composed to realize that there is much sound learning purveyed for him there. In the opening paper Mr. W. S. Armour reviews *The Obstacles of National and Primitive Customs to the Spread of International Law.* He sees in the national prejudices that are rife today a survival of the conditions of tribal organization "with all the resources of modern science, other than advanced mental endowment, at the disposal of the various high priests—and these can move back four thousand years with ease. . . . . If extreme nationalism or tribalism, the strongest local organization with the most powerful propaganda, is to be the arbiter, and almost everywhere we have the closed mind to suit these tribal bodies, what can we have ultimately but anarchy?" While England

it is true still manifests the judicial temper which emerges from ideas of fair play and fair dealing yet in Mr. Armour's opinion "the old gods, even here, are not extirpated," and courage, vision and leadership are needed if a standard of universal right is to be attained and local self-sufficingness is to give way to rational intercourse between the nations.

Our knowledge of the personality of Grotius is enlarged by papers contributed to the volume by Dr. R. W. Lee and Prof. G. Norman Clark. Sir Alfred Zimmern writes, with all the attractiveness and lucidity we have learned to associate with him, on *International Law and Social Consciousness*. He rejoices that the League of Nations movement has brought into contact lawyers and non-lawyers for the discussion of international affairs. Members of the legal profession, however, cannot escape some sense of shock over Professor Zimmern's frank confession that "Until I approached international law I thought that I understood what law was. Now I am more perplexed than ever."

Dr. Lauterpacht's *Pact of Paris and the Budapest Articles of Interpretation* and Prof. Preuss's *International Law and German Legislation on Political Crime* are timely dissertations of exceeding merit. Practical lawyers will derive advantage from papers on the *Nationality of Married Women* by Mr. Beroë Bicknell; the *Interpretation of Treaties* by Prof. Charles Fairman; *Continuous Voyage, as applied to Blockade and Contraband* by Dr. T. Baty; and the *Choice of Law by the Parties to a Contract, with Principal Reference to English and American Law* by Dr. Stephen de Szaszy.

CHARLES MORSE.

Ottawa.

Books Received

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

The Interstate Commerce Commission. Part III, Vol. B. By I. L. Sharfman, Professor of Economics in the University of Michigan. New York: The Commonwealth Fund. 1936. Pp. 833. ($5.00)

The Law of Motor Insurance. By C. N. Shawcross. London: Butterworth & Co. Toronto: Butterworth & Co. (Canada). 1935. Pp. lxii, 767 and Index.

Treatise on Statute Law. By the late William Feilden Craies, M.A. Fourth edition by Walter S. Scott, K.C., LL.D. London: Sweet and Maxwell. Toronto: The Carswell Company. 1936. Pp. lv, 568. ($11.25)

Recueil D'Etudes sur les Sources du Droit en l'Honneur de François Geny. Tome I (Aspects Historiques et Philosophiques), pp. xxxi, 309; Tome II (Les Sources Générales des Systèmes Juridiques Actuels), pp. ix, 573; Tome III (Les Sources des Diverses Branches du Droit), pp. xvii, 546. Paris: Recueil Sirey. These volumes will be fully discussed in a later issue by Dean Percy E. Corbett, Faculty of Law, McGill University.

Copinger on the Law of Copyright. Seventh edition by F. E. Skone James. London: Sweet and Maxwell. Toronto: The Carswell Company. 1936. Pp. xxiii, 617. ($12.75)