

*International Law.* By K. R. R. SASTRY, M.A., M.L., Reader, Law Department, Allahabad University. Foreword by PROFESSOR JAMES W. GARNER, University of Illinois. Allahabad: Kitabistan. 1937. Pp. xxxi, 472. (7s. 6d.)

*The Law of Damages.* By FRANK GAHAN, M.A., B.C.L., LL.B., Reader in Common Law in the Law Society's School of Law. London: Sweet and Maxwell. Toronto: The Carswell Company. 1936. Pp. lxxx, 242. (15s.)

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## CORRESPONDENCE

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Correction in the address of Chief Justice Rowell on  
*The Place and Functions of the Judiciary in Our Canadian Constitution.*  
(5 CAN. BAR. REV. 57)

EDITOR, THE CANADIAN BAR REVIEW.

SIR :

In my address, *The Place and Functions of the Judiciary in our Canadian Constitution*, published in the February issue of the CANADIAN BAR REVIEW, I stated :—

“The Federal Courts of the United States cannot declare a State law invalid because it violates the Constitution of the State, but they can, and do, declare State and Federal laws invalid which violate the Constitution of the United States.”

This statement was too broad so far as it applies to State laws which are alleged to be invalid because they violate the Constitution of the State. While true as a general statement, it is subject to an important qualification. The Federal Courts have jurisdiction over disputes arising between citizens of different States, referred to as jurisdiction based on “diversity of citizenship”. In the exercise of that jurisdiction Federal Courts feel themselves “bound to respect the decision of the State Courts and from the time they are made will regard them as conclusive in all cases upon the construction of their own Constitution and laws”. But if there is no settled ruling in the State Courts, then Federal Courts will rule independently on the question of validity.

For the sake of accuracy I should be glad if you would publish this correction.

Yours very truly,  
N. W. ROWELL.

Osgoode Hall, Toronto.