

## BOOKS AND PERIODICALS.

✂ Publishers desiring reviews or notices of Books and Periodicals must send copies of the same to the Editor, care of THE CARSWELL COMPANY, LIMITED, 145 Adelaide Street West, Toronto, Canada.

*Prize Cases Decided in the United States Supreme Court, 1789-1918.*

Prepared in the Division of International Law, Carnegie Endowment for International Peace, under the supervision of James Brown Scott, Director. Oxford University Press, American Branch, New York, 1923, 3 vols. Price, \$15.00.

Possibly in no other department of juristic science has the Supreme Court of the United States distinguished itself more than in its contributions to Prize Law. If one is interested in ascertaining for himself how highly appreciated those contributions are, he will find in Trehern's Collection of Prize Cases decided during the Great War sufficient information on this head. For instance, in the leading case of *The Kim*, decided by Sir Samuel Evans in 1915 (1 Trehern, 178, at p. 182), support for the doctrine of continuous transportation in relation to contraband goods there applied is found in *The Bermuda* (3 Wall. 514) and *The Springbok* (5 Wall. 1). Again, in *The Odessa* (1 Trehern, 554, at p. 566), Lord Mersey in delivering the judgment of the Privy Council said: "The considered judgment of the Supreme Court of the United States is entitled to the greatest possible weight." In his preface to the first volume, Mr. Scott very justly says: "The decisions of the Supreme Court [of the United States] in Prize Cases are not only in substance important contributions to the Law of Prize, but they also form, it is believed, safe and sure models for an International Court to follow in the consideration and decision of questions brought before it for judicial determination."

We wish we could share Mr. Scott's view as to the utility of the Index to the work. It is quite inadequate. We think, too, there was room in the undertaking for some annotations upon the cases presented.

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*Canada as a Political Entity.* By Alexander O. Potter, Ph.D. Toronto: Longmans, Green & Co. 1923. Pp. 159+vi. Price \$1.50.

This little volume is a most useful contribution to the discussion of Canada's place in the political world, avowedly written without any desire to further some cherished theory of her "ultimate destiny." So that there shall be no obscurity of terms in our minds in approaching this subject, Mr. Potter devotes the nineteen pages of his introductory chapter to establishing that Canada is a "political entity"; that "the idea expressed by 'colony' is altogether incompatible with the position of Canada"; that she is not a "vassal State under the suzerainty of Great Britain; that she is not a "State according to the international law concept"; that the use of the term "Nation" as applied to Canada is confusing; that the term "Dominion" is a suitable and sufficient one to express the political status of this country in relation to the other

members of the British family of States. It seems to be the only satisfactory term whereby the dependent but self-governing political entity can be understood. On pages 13 to 15 he demonstrates the distinction, so important in considering the exact place of the Dominions in the world of to-day, between *legal* sovereignty and *political* sovereignty. In Chapter II., the author examines the character of our system of internal government in the light of the provisions of the B. N. A. Act. Chapter III. considers the relations of Canada with Great Britain. At pp. 69, 70, he points out that the view expressed by Burke in 1775 as to the impossibility of the British Parliament exercising absolute authority in overseas self-governing territories has become a recognized doctrine to-day. In Chapter IV., the relations of Canada with foreign States are discussed. Here he refers to one of the anomalies that necessarily emerge from the growth of a country to world-wide commercial importance while still in a condition of dependence. Mr. Potter says (p. 120), "Consular officers are not supposed to have a diplomatic character, but for a number of years the Consuls-General of the United States, of Japan, of Italy, and of Germany at Ottawa and Montreal have discharged functions of a diplomatic character. They are not entitled to diplomatic privileges, although they receive certain courtesies. This entire development, of course, was a deviation from the accepted rules of international law, but it was a necessary one." Chapter V., entitled "Status," is in the nature of an excursus upon Canada's measure of independence, (a) from the Intra-Imperial, and (b) from the International point of view, as related to the facts discussed in the previous portions of the book.

We commend this work without hesitation to those who would know where Canada stands to-day as an entrant upon the stage of world politics.

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*A Treatise on the Law of Merchant Shipping.* By the late David MacLachlan, M.A. Sixth edition by Edward L. Hart, M.A., LL.B. (Cantab.), and Alfred T. Bucknill, M.A. (Oxon.). London: Sweet and Maxwell, Limited. Toronto: The Carswell Company, Limited, 1923.

The editors of the sixth edition of this standard work have preserved the general scheme of the book as it came from Mr. MacLachlan's hands originally. The Maritime Conventions Act, 1911, with its modification of the law relating to damage in collision cases, and the Pilotage Act, 1913, have necessitated the re-writing of Chapter VI. in part. Recent Prize Court decisions have been incorporated so far as they relate to questions discussed in the work. The work is well indexed.

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*A Guide to the Study of the History of English Law and Procedure.* By Clarence C. Crawford, Ph.D. Toronto: The Carswell Company, Limited, 1923.

To open this small book of seventy-three pages is to be worried at first by the discontinuity of the matter presented to the reader, e.g., "I. Anglo-Saxon Law and Procedure. A. Great Legal Systems, Past and Present. B. Value of the Historical Study of Law" (p. 1). But when one examines the book and familiarizes himself with its method, he will be disposed to

share the belief expressed by the author in his prefatory note that "the guide will prove a convenient manual for the purpose of analysis and reference" to students of English legal history.

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*Fifty-One Years of Victorian Life.* By the Dowager Countess of Jersey, C.B.E. London: John Murray. Toronto: Longmans, Green & Co. Price \$5.00.

History, according to Carlyle, is the essence of innumerable biographies, and the book before us is a useful contribution to the annals of the nineteenth century. It is a veritable human document, revealing the experiences of a typical member of the aristocracy of England during the greater part of the Victorian period — now so lightly regarded by minds who think that the present slack and sloppy era has made of this earth the best of all possible worlds. In this book we find that England's social life in the latter half of the nineteenth century was not dull and cramped, and bleak with fear of evils to come, like our own time, but full of cheerfulness, voluntary service for others, and high hope that good would be the final goal of honest endeavour.

Margaret, Countess of Jersey, was born at Stoneleigh Abbey in 1849, twelve years after Victoria came to the throne. She was the daughter of Lord Leigh, her maternal grandfather being Lord Westminster. She was brought up in the manner peculiar to the times, educated by governesses and by systematized foreign travel. This is what she says of the discipline of her youth:—"People are apt to talk and write as if 'Early Victorian' and 'Mid-Victorian' children were kept under strict control and made to treat their elders with respectful awe. I cannot recall any undue restraint in our case. . . . The only constraint put upon us, which is not often used with the modern child, concerned religious observance. We had to come in to daily prayers at 10 o'clock even if it interfered with our working in our gardens or other out-door amusement—and church twice on Sundays was the invariable rule as soon as we were old enough to walk to the neighbouring villages of Stoneleigh and Ashow, or to attend the ministrations of the chaplain, who generally officiated once each Sunday in the chapel in the house. We had to learn some 'Scriptur. lesson' every day and two or three on Sundays, and I being the eldest had not only to repeat these Sunday lessons to my mother, but also to see in a general way that my younger brothers and sisters knew theirs. I was made to learn any number of chapters and hymns, and Scripture catechisms—not to speak of the Thirty-Nine Articles! . . . On the whole, I feel sure that the advantages of acquiring so many great truths, and generally in beautiful language, far outweighed any passing irritation that a young girl may have felt with these 'religious obligations.'"

With the mental training she received, and orderly principles of living kept constantly before her, the Countess of Jersey was able to see the world to advantage and grow in wisdom by contact with the ripest minds of her time. There is an interesting procession of princes, of statesmen and clerics, of literary men and rare women—even some great

lawyers may be noticed—passing through her bright pages, which will repay perusal in these days of spoofing Shaws and Wells overflowing to our ineffable boredom.

C. M.

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### PUBLICATIONS RECEIVED.

1. *War Finances in the Netherlands up to 1918*. By M. J. Van Der Flier, LL.D., Oxford University Press, American Branch, New York, 1923. Price, \$1.50.
2. *Index to Statutory Definitions*. Prepared in the Office of the Parliamentary Counsel. London. Published by His Majesty's Stationery Office. Toronto: The Carswell Company, Ltd., 145 Adelaide Street West. Price, \$2.25.
3. *Yale Law Journal*, Vol. XXXIII, Nos. 3 and 4. Yale Law Journal Co. Inc., New Haven, Conn.
4. *University of Pennsylvania Law Review and American Law Register*. Vol. 72, No. 2. Published by the Law School, University of Pennsylvania.
5. *Michigan Law Review*. Vol. XXII, No. 3. Michigan Law Review Association, Ann Arbor, Mich.
6. *Illinois Law Review*. Vol. XVIII, No. 5. Northwestern University Press, Chicago, Ill.
7. *Boston University Law Review*. Vol. IV, No. 1. Boston University Law School, Boston, Mass.
8. *International Review of Agricultural Economics*. New Series, Vol. I, No. 4. International Institute of Agriculture, Rome.

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### CORRESPONDENCE.

The Editorial Board of the Canadian Bar Association does not hold itself responsible for the opinions of Correspondents. Contributions to this department of the REVIEW will be published only over the genuine names of the writers.

"CURIÆ CANADENSES."

*Editor Canadian Bar Review:*

Sir,—I have received from Angus MacMurchy, Esquire, for our archives, or rather for the reservoir of historical records and treasures of the Canadian Bar Association, a small but valuable volume published by Rowsell in 1843, entitled "*Curiae Canadenses*," being the poem describing the several Courts of Law and equity elected from time to time in the Canadas, with copious notes and an appendix. The author uses the pseudonym of Plinius Secundus and the front page is inscribed "To his Worship the Mayor with the author's respectful compliments." He has gathered together a rare collection of outstanding cases, of judicial statistics, and his pages on the Rebellion of 1837-1838 are most interest-