

whether in fact, we are not passing into a phase of history when the purely national aspect of civic duty will be felt to be insufficient and will require more and more to be supplemented by wider conceptions."

We have no apology to offer our readers for devoting so much space to these two books—presenting as they do a large content of the political thought that is shaping the destiny of the modern world.

C. M.

#### BOOKS RECEIVED.

1. *The Action of Alcohol on Man.* By Ernest H. Starling, Robert Hutchinson, Sir Frederick W. Mott and Raymond Pearl. Toronto: Longmans, Green & Co. 1923.
2. *Chambers' Encyclopedia.* New edition. Vol. IV. (Diop. to Frei.) London and Edinburgh: W. & R. Chambers, Limited.
3. *Oxford Studies in Social and Legal History.* Edited by Sir Paul Vinogradoff. Vol. VII. (Early Treatises on the Practice of Justices of the Peace in the XVth and XVIth Centuries. By B. H. Putnam, Ph.D.). Toronto: Oxford University Press. Price \$5.50.
4. *Cobbett's Leading Cases on International Law.* 4th edition. Vol. 2. War and Neutrality. London: Sweet & Maxwell, Limited. 1924.
5. *Conspiracy as a Crime and as a Tort in English Law.* By David Harrison, LL.D. London: Sweet & Maxwell, Limited. 1924.
6. *Report of the Thirty-second Conference of the International Law Association.* London: Sweet & Maxwell, Limited. 1924.

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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.

#### LAW REPORTING IN CANADA.

*Editor Canadian Bar Review:*

Sir,—At this time, with the annual meeting of the Canadian Bar Association in the offing, the question that should be uppermost in the minds of all the thinking and reading members of the Bar of Canada, is that of law reporting. Especially this year is this doubly true, because the Bar Association is preparing to pay a visit to the Old Country, where, since 1865, before Confederation in Canada, the matter of law reporting was put on a basis which, though it may have its drawbacks, is far ahead of the haphazard lack of system which we are following here in Canada.

It must be plain to any thinking man that, if the United Kingdom,

with a population of eight or ten times that of Canada, can only support 15 series of reports, and that inadequately, as will afterwards be shown, Canada should not, and cannot possibly be in a position to support the 20 series of reports now published.

The natural result of this is that every series of reports in Canada, except one, is lacking in more than one respect, and the only reason that I can assign for this, after long and careful consideration of the subject, is a provincialism that is not confined to any one province or any one city, but tars the whole country with the same brush.

I have recently had some correspondence with the chairman of the reporting committee of one of the Western law societies. His desideratum is summed up in the following sentence, which I have taken from one of his letters:

"If, therefore, there were one series (of reports) which gave so accurate and complete a report of the cases, as to leave nothing to be desired, it would be necessary to read only one report, buy only one, and provide space for only one, and if the cost can be materially reduced to the lawyer, that is of prime importance."

You will note his first requirement is a complete series of reports. His second complaint is that the lawyer has to read more than one series of reports to find the law, and therefore to buy more than one series of reports.

His third complaint is that these many and multifarious series of reports take up space, which, in these days of high cost of overhead and office expenses, is more than a small consideration, and finally his last requirement is a reduction of cost.

My reply to him has been, and I consistently maintain this as incontrovertible, and that is that the Dominion Law Reports completely fill the bill of the series of reports that he is looking for, and his final requirement is within reach, if the Bench and Bar of Canada would support the D.L.R. to a sufficient extent to permit of the publishers reducing the price.

The D.L.R. were originally advertised at 8 vols. a year, and the cost \$40 a year. The price has never been raised, although, as you know, the cost of everything, without exception, has risen at least 100 per cent. during the war and post-war periods, and today the cost of the D.L.R. is \$36 per year, an actual reduction of 10 per cent. from the original advertised price.

I venture to state that such a reduction, between the years 1912 and 1924, is the only case of the reduction on the price of any commodity, from the prevailing pre-war price.

I think, too, that you will find, whether you confine yourself to merely a cursory survey or whether you go into an exhaustive research, that the only series of reports that approaches absolute completeness is the Dominion Law Reports.

In fact I think that the more you consider the D.L.R. from any and every angle the more you will be surprised at their completeness, considering the tremendous struggle that is at all times necessary to maintain the high standard that the D.L.R. have always maintained.

The publishers' hypothesis has always been, and it brooks of no argument, that the law takes no account of the geographical or other

divisions of any country. All the law of Canada, with the exception of the purely Civil Law of Quebec, is founded upon the Common Law of England, and all the Dominion Statutes and Provincial Statutes are, in some degrees, in fact in a large degree, borrowed from the legislative enactments of the Mother of Parliaments.

The Law Societies of the various provinces have adopted a policy of maintaining a series of reports of the case—law of their own province. While undoubtedly in the past this has been a very successful method of putting out series of reports, that it would probably be impossible to maintain without the financial support of some Law Society, the time has come now when the Law Societies of Canada should get together and decide if, in not supporting a series of reports which would supply the need of each and every province in preference to continuing the support of individual series of reports, they are not fostering that provincialism, the growth of which is so much to be deplored in Canada today.

Somebody must take the initiative in quelling this riot of printed cases that is being showered on the lawyer from every angle. Its results are deplorable. The Bar of Canada is steadily giving up the practice of reading the case—law of Canada because they do not know where to begin, and when they have begun they find they do not know where to end,

After reading most, if not all, of the written judgments delivered in all the Courts of Canada, for a considerable period of time, with great deference, it does not seem to me that a great many of these judgments are worthy of the Judiciary of a great country such as Canada. The present system of law reporting encourages judgments of great length, as the principle followed by many editors seems to be to judge the importance of a judgment by its length. Many of the judgments that I have read contain *obiter dicta* of great length, having some connection it is true, but less application to the case under review.

Nova Scotia has the strongest Bench in Canada to-day, and I venture to state that every judgment handed down by the Court of Appeal for that province is worth reading, simply as an example of how to stick to the point, if for no other reason.

On the other hand, from one Western Province recently there came a case where four out of five judges disagreed with the trial judge, and yet the judgment was affirmed.

I do not think that all this can be blamed upon our present system of law reporting, but it seems to me that a proper system of law reporting would tend to a better education of the Bar of the present, which is the Bench of the future, and the ultimate result of better reporting of the cases, it is surely axiomatic to say, would be better judgments themselves.

I have treated the question of the D.L.R. simply from the angle of law reporting, and it must not be forgotten that in addition to the great service that these reports are giving to the Bench and Bar of Canada in the way of law reports, there is added to that a series of annotations which alone are worth the present subscription price.

A good wine needs no bush, and the D.L.R. needs no puffing. Their ever-increasing subscription list and the ever-increasing favour with which both the Bench and Bar of Canada receive them is sufficient

evidence of their value to the thinking and reading members of the Bar of Canada, but until the Canadian Bar Association or the Law Societies in Canada, or both, realize the necessity of substituting one series for the many series now being issued haphazardly throughout Canada, the full value of the D.L.R. cannot be appreciated, for the lawyer feels in duty bound to read the series of reports having the support of the Law Society to which he belongs.

The time is now ripe for the Bar Association to step in and dam this flood of printed cases and adopt in substitution therefor the only series of reports that has ever completely filled the requirements of every lawyer in Canada from coast to coast.

Yours truly,

R. M. WILLES CHITTY.

Toronto, June 11th, 1924.

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### CURRENT EVENTS.

The Right Honourable Mr. Justice Duff, Judge of the Supreme Court of Canada and a member of the Judicial Committee of the Privy Council, has been elected an Honorary Master of the Bench of Gray's Inn.

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It is officially announced at McGill University that His Honour Judge E. Fabre Surveyer, LL.D., Professor of Civil Procedure, while on an extended trip to the Continent will visit many of the large universities of the old land, and will, in the interests of McGill, make a special study of the law courses at Bordeaux, Grenoble, Dijon, Paris, Lyon and Clermont-Ferrand with regard to study courses, international outlook, sports and general accommodation. The information, it is considered, will be valuable in making recommendations to winners of the Macdonald Scholarships at McGill, in regard to their post-graduate studies.

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Following his recent decision in favor of 47 settlers in the Merville and Courtenay districts of British Columbia, Mr. Justice McDonald has awarded them damages of approximately \$100,000 against the Comox Logging and Railway Company. The action was an aftermath of the disastrous bush fire which swept the district two years ago. The company was held responsible for not taking the requisite precautions against a fire on its limits.

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Prior to the opening of the Court on one of the days of the trial of the alleged bank bandits in Montreal, the jurors petitioned the Court to prevent further publication of sketches or photographs or any other unnecessary information regarding them and their families, as they considered their lives in danger and those of their families. Mr. Justice