BOOK REVIEWS
REVUE DE LIVRES

Law of Trusts In Canada, by D.W.M. Waters, Toronto: The Carswell Company Limited, 1974. Pp.i-xcii, 1070 ($85.00).

Why are there so few treatises on Canadian legal subjects? Partly, I suppose, because in the absence of a separate bar the Canadian legal practitioner has tended to be as much a businessman as a scholar; and partly because until recently there were not many full-time law teachers in Canada. At least as far as the latter are concerned, something more must be said. The output of academic legal writing in Canada has been disproportionately low compared with that in almost any other country in the Commonwealth. Of the other factors which have contributed, one of the least unflattering is the existence of a variety of more or less enticing alternatives to the drudgery of library research, case analysis and composition. Furthermore, and perhaps in consequence, this type of work has become distinctly unfashionable.[1]

It is unquestionable that Canadian law has suffered from its lack of systematic exposition. In the area covered by Professor Waters's work, it has become increasingly difficult to predict the approach that Canadian courts will take to a number of questions. These include the methods of constituting trusts, the principles governing resulting and constructive trusts, the jurisdiction of the court to interfere with the discretion of trustees, the law relating to certainty of objects, the scope of legislation which permits trusts to be varied and the rules which govern charitable trusts. While one can applaud the growing pragmatism of the judiciary and their apparent distaste for the kind of conceptualistic thinking which, in different periods, has hindered the development of equitable principles, inconsistency is not yet a judicial virtue.

The appearance of this book, the first major Canadian treatise on the subject, is timely. The difficulties confronting the author were considerable. There was, in the first place, the labour involved in finding, collating, analyzing and evaluating a mass of decisions dating

[1] "Consciousness II is the state of being aware that there is more to law than rules. Once you have experienced the bittersweet taste of this forbidden fruit, you cannot be content with the innocent games of Consciousness I": Arthurs, "Progress and Professionalism: the Canadian Legal Profession in Transition" in Ziegel (ed.), *Law and Social Change* (1971-1972). Apple or lotus?

from the middle of the last century. Then there was the question of whether to attempt to integrate the Canadian decisions and those from other jurisdictions into a single coherent pattern. Finally — and this must have been a particularly vexing problem — there was the difficulty of determining whether decisions which appear to diverge from the law in force elsewhere should be regarded as aberrations or as authentic Canadian offshoots.

Professor Waters has surmounted these difficulties and produced a major work. For his willingness to undertake the time-consuming and boring task of digging for material, those of us who teach and those who practice in the area must be particularly grateful. Practically all of the relevant Canadian cases are now easily accessible, the principles for which they stand are revealed in a lucid and perceptive commentary and we have the benefit of the author's views on the directions which future developments of the law are likely to take.

To say that the book is not quite the definitive work on the law of trusts in Canada is not to suggest that the author has not accomplished his purpose. As one of his main objectives was to disinter and to promote discussion of the Canadian material, Professor Waters "followed the principle of employing English authorities only where they are of leading importance in Canada or the law in Canada is silent". This approach will inevitably detract to some extent from the work's immediate utility. We have not reached the stage when Canadian courts will look almost exclusively to Canadian cases and it is still a rare occurrence for an English decision to be subjected to critical scrutiny by a Canadian judge. For the present, practitioners will need to read the book side by side with one of the English texts. To criticize the author on this ground would be unfair. His aim was worthy, the task was monumental and the result is wholly admirable. The approach adopted in the book will surely do much to promote the emergence of a distinctively Canadian law of trusts.

The book is written in a narrative style. For this reason, and because the author has taken pains to start from first principles in his approach to each topic, it will be particularly helpful to teachers and students.

The work is remarkably comprehensive. Business trusts, the relevant rules of the conflict of laws, the trust in Quebec and the use of the trust in tax planning are all discussed, as well as the topics which are normally considered in books on the subject. The chapter on taxation required such compression that it must have been enormously difficult to compose. Professor Waters has suc-

ceeded where commentators on the law of other countries have often failed: the effect that federal and provincial revenue statutes have on trusts and the areas in which trusts may be useful in tax planning are indicated without undue length, detail and complexity on the one hand, and without misleading generality on the other.

The short chapter devoted to the trust in Quebec will have comparative value for students and might well be made required reading for trusts courses in the other provinces. I came to it with no background knowledge of the topic and found it fascinating. Professor Waters outlines the main conceptual and theoretical obstacles to the reception of the trust in a civil law system, discusses the extent to which the main purposes served by the trust can be accomplished by the use of civil law concepts and then focuses on the provisions in the Civil Code which authorize the creation of trusts. The provisions are brief and contain not even the skeleton of the law of trusts as it exists in the other provinces. It has been argued with some persuasiveness that, as the concept has its origins in the common law, that system should be used as a source of detailed rules and principles. Such an approach would conflict with that normally applied to the interpretation of the Code, and it would give rise to some not unreasonable apprehension as to the effects on other parts of the civil law. The trust is fundamentally foreign in principle as well as in source. Accordingly, the view has prevailed that the trust provisions must be construed within their context in the Code. In consequence, the concept of the trust in Quebec is less flexible than in the other provinces and much more restricted in scope. The author's discussion of the trust in Quebec suggests, nonetheless, that, even in its truncated form, it can have considerable utility. He questions whether the limitations on its development can be permitted to continue.

Inevitably there are points of substance on which a reader might disagree with the author. For the most part, I would not do so with any great confidence. There are some areas in which it is possible to argue that English and Canadian decisions diverge to a greater extent than Professor Waters indicates. For example, a case could be made for the proposition that Canadian judges have been more ready to apply the principle of benevolent construction to trusts for mixed charitable and non-charitable purposes or that they have been less reluctant to interfere with the discretion of trustees. To establish such a case, however, one would be forced to rely almost entirely upon what Canadian judges have done and to ignore what they have said. If there has been a point of departure, it is rarely expressed in judicial opinions.

The publication of this work was a notable event in the history of Canadian legal publishing. In organization, in style and, above all, in the quality of the scholarship it displays, it ranks with the best writing on the subject in any country.

Maurice C. Cullity*

Private Law in Canada: A Comparative Study, vol.1, *General Introduction/ Le Droit privé au Canada: Etudes comparatives*, vol.1, *Introduction générale*, by J.A. Clarence Smith and J. Kerby, Ottawa: University of Ottawa Press, 1975. Pp.xxviii, 460 ($12.00).

The extent of comparative legal study in Canada has not always attracted favourable international comment. Perhaps the frankest judgment has been that of Professor David, now given wide circulation in the International Encyclopedia of Comparative Law, that "Some are tempted to consider Canada as the promised land for comparative law, but the pilgrims are still in the desert".[1] To be sure, the statement was first formulated a decade ago,[2] prior to some current activity,[3] and there have been more favourable comments made recently,[4] but it remain true that much of the wealth to be found in the coexistence of Canada's two great legal traditions remains unexplored.

Warm applause is therefore to be accorded the authors of this first introductory volume of a project designed eventually to survey,

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1 David, "The International Unification of Private Law", *International Encyclopedia of Comparative Law*, vol.2, 208, para.5-567.

2 See David, "L'Unification du droit privé", *Cours de droit privé comparé*, 1965-1966, 396.

3 The comparative law centres of the University of Ottawa and McGill University were created in 1962 and 1966 respectively. Both of these law faculties, since 1960 and 1968, offer instruction in both legal systems, and in both it is now possible to obtain combined civil and common law degrees in four years of study by following an interlocking schedule of courses. Comparative law courses have now become standard offerings in most Canadian law faculties. These individual efforts are now supplemented by a federally financed summer programme, permitting students from each system to receive instruction in the other.

4 Professors Zweigert and Kötz, in their discussion of Quebec and Louisiana as mixed jurisdictions, comment on the existence of developed, globally-known centres of comparative law in both jurisdictions. Zweigert and Kötz, *Einführung in die Rechtsvergleichung*, vol.1 (1971), 128.

bilingually and on a comparative basis, the totality of Canadian private law. Ensuing volumes are to deal successively with Personal Rights (including liability for tortious or delictual violation), Property Rights, General Principles of Contract, Particular Contracts, Family Law, Civil Procedure and Private International Law. Moreover, in spite of the breadth of their enquiry, the authors will not be contenting themselves with setting out each of the two systems separately, nor even with the setting out of each in a form intelligible to those trained in the other system (a monumental enough accomplishment, as evidenced by Professor Ferid's recent recasting of the French Civil Code into the framework of the German BGB),[5] but propose rather to "... bring the two systems face to face point by point...", endeavouring "... to marry the manners of treatment prevalent in the two systems" (pp.345, 346). It is a grand design indeed, though we are happily informed that the volume on the General Principles of Contract is at present well advanced, while that dealing with Personal Rights has been begun.

The difficulties of such an approach are evident even from the perspective of the formal or technical presentation of the material. In this first volume the bilingual arrangement is not that of the Canadian federal statutes, separate columns on each page, but rather identical facing pages: to the right in English, to the left in French. This requires some adjustment to normal reading habits, easily done, though the result of the bilingual policy is a much shorter book than its size would indicate. Other problems have also required, as the authors have noted, a sharing out of awkwardness (p.vii), but this has generally been judiciously done. How does one effect a Canadian compromise between the English habit of placing the table of contents at the beginning of a book, and the French one of placing it at the end? The solution adopted is to place it at the beginning, while relegating the table of statutes and cases from its pre-eminent English position to its more modest French one. Again, although the English-speaking author is stated to be fully responsible for the English text and substantial portions of the French (p.vii), the French doctrinal technique of numbered, titled paragraphs is used throughout.[6] The only minor irritation encountered by this reader was a rather too frequent use of *renvois* forward (see p.107, by way of example), leaving the

[5] Ferid, *Das Französische Zivilrecht* (1971).

[6] Stylistic balance is perhaps more difficult to achieve, and the French text has been sharply criticized as a literal translation from the English. See *Patenaude*, (1975) 77 R.duN. 540.

occasional early impression that the substance of the volume would forever be just 10 pages further along. Misprints and errors are infrequent, although "bind" becomes "bird" at p.17; "Gény" "Géry" at p.293; and "Rupert's Land" "Rupertsland" throughout.

What have the authors chosen to present by way of general introduction to a comparative survey of Canadian private law? There are three main chapters in the volume, entitled The Building of the Law, The Building of the Courts, and Who Lays Down the Law? Rephrased more elaborately, the divisions represent the historical evolution of the common and civil law (as affected by such notions and institutions as the writ system, Equity, Roman law and codification); the development of the Canadian judicial structure; and current sources of law. Attention is therefore directed quite properly to those elements of legal history and of the legal system which have importance for the structure and content of our *private* law.

The volume thus does not purport to be an introduction to the Canadian legal system as a whole, though the authors have performed a valuable service in bringing together their chosen matter, and have provided many insights in so doing. Is it not thus correct from the civilian perspective that the common law has had less time to smooth away the traces of historical accident (p.25)? Is it not also true that civilian academic writing can be less subtle in its discussion of decided cases, because the civilian academic is free to simply disapprove of judgments (pp.303, 305)? Again, may it not have been the Quebec experience which established clearly in English law — since despite earlier pronouncements, the practice was not consistent — that the laws of a conquered jurisdiction continue in force until they are altered by the conqueror (pp.133, 135)? On one highly controversial subject, however, that of the reciprocal influence of the civil and common law in Canada, the authors have wisely reserved judgment until the conclusion of their studies (p.23).

Such a pioneering work is unlikely, however, to escape criticism entirely, and it does appear appropriate to venture two reservations.

In the first place, given the space limitations of bilingual presentation, and conceding that successful comparison requires a willingness to sacrifice detail, it can perhaps still be argued that *more* introduction could have been useful. This reaction is inspired both by the sentiment that existing Canadian doctrinal sources have perhaps not been fully exploited, and also by a fear that some complex problems may have been too simplified in their presentation. By way of examples, this writer can find no reference

to the small volume of Mr Justice Laskin (as he then was) on *The British Tradition in Canadian Law*,[7] though this is perhaps the only other partial survey of the Canadian legal system. Nor is Professor Russell's work on the Supreme Court acknowledged,[8] nor such important and widely known articles as those of Professor Lederman on the independence of the judiciary,[9] Dean Wright on legal education,[10] Mr Justice Jackett on the foundations of Canadian law,[11] Dean Brierley (as he now is) on codification in Quebec,[12] Professor Read on the judicial process in common law Canada,[13] or Professor Morel on the period 1764-1774 in Quebec.[14] Authors may of course read and cite whomever they choose, but is the choice so rich in this country that these works can be ignored? Again, some discussion of the organization of professional Bars would have been appropriate, as well as fuller discussion of the ability of the Supreme Court to overrule itself (p.301).[15] The discussion of the judicial appointing power is brief to the point of being misleading (p.255), and surely in an introductory work the following sentence should not be allowed to stand alone: "It needs to be emphasized that in theory case-law no more creates than does academic opinion: at the most it discovers" (p.133).[16]

Secondly, and here one's sympathy is fully with the authors, the detailed, painstaking reconstruction of the growth of the Canadian court system, amounting to almost 40% of the book, is very difficult reading indeed. There are obvious reasons for this — the felt need to delineate specific changes in so many jurisdictions, the absence of major conceptual differences as to the role of the courts in the different provinces and territories, the recurrence of

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[7] Laskin, *The British Tradition in Canadian Law* (1969).

[8] Russell, *The Supreme Court of Canada as a Bilingual and Bicultural Institution* (1969).

[9] Lederman, *The Independence of the Judiciary* (1956) 34 Can.Bar. Rev. 769, 1139.

[10] Wright, *Should the Profession Control Legal Education?* (1950) 3 J. Legal Ed.1.

[11] Jackett, "Foundations of Canadian Law in History and Theory" in Lang (ed.), *Contemporary Problems of Public Law in Canada* (1968).

[12] Brierley, *Quebec's Civil Law Codification* (1968) 14 McGill L.J. 521.

[13] Read, *The Judicial Process in Common Law Canada* (1959) 37 Can.Bar Rev. 265.

[14] Morel, *La réaction des Canadiens devant l'administration de la justice de 1764 à 1774* (1960) 20 R.duB. 53.

[15] *Cf. Laskin, supra*, f.n.7, 66.

[16] *Cf.* another recent Ontario dictum: "We no longer believe that judges do not make law." Friedland, *Prospective and Retrospective Judicial Law Making* (1974) 24 U.ofT. L.J. 170, 171.

monetary limits of jurisdiction difficult to relate to contemporary values, and the strict chronological plan which the authors adopt (though with the occasional sign of impatience with it, *e.g.*, at p.247). Nevertheless, we now have (and its compilation was no small task) a precise account of the formal growth of the Canadian judiciary, and the authors have well initiated themselves to the problems of describing the law of a federal state with a duality of legal traditions.

Their remaining volumes will be awaited with great interest.

H. Patrick Glenn *

Problèmes de droit contemporain: Mélanges Louis Baudouin, ed. by Adrian Popovici, Montréal: Les Presses de l'Université de Montréal, 1974. Pp.xvi, 529 ($15.50).

Twenty-six friends, associates or former students of the late Louis Baudouin (1902-1969) have contributed a series of substantial articles to this volume dedicated to his memory. The aim of the editor has evidently been to reflect in these pages the wide range of Professor Baudouin's interests and scholarly activities — he wrote six major works and over thirty articles on the law of Quebec, as the bibliography included as a frontispiece reveals. The twenty-eight contributions have been grouped as follows: eleven on private law subjects, seven on administrative or constitutional law, six on comparative law or jurisprudential themes and four on public and private international law.

A number of eminent foreign jurists have supplied contributions (Professors René David, René Savatier, Jean Carbonnier, John Hazard, B. Blagojevic and Victor Knapp). Five pieces are in English. A few, either before or since, have appeared elsewhere (those of J.-L. Baudouin, J.-G. Castel and Jacques Brossard).

The collection is, then, rich in its diversity and scope. Among the contributions which particularly attract the attention of the Quebec community are those devoted to current matters in Quebec private law. Jean Charles Bonenfant, in a brief but timely study, traces Quebec's curious history on the right of married women to act as surety for their husbands (the celebrated former article 1301 of the

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Civil Code); François Héleine explores the contemporary matter of the contract of employment between husband and wife; and René Savatier provides a comparative franco-Québec study on a subject to which relatively little attention has been paid in Quebec literature, *récompenses* in the regime of community of property. There are three major examinations of a matter central to the law of contract — the principle of freedom of contract in contemporary society — by P.-A. Crépeau, Judge G. Trudel and A. Popovici. Judge Albert Mayrand has provided an important synthesis of a number of questions in the law relating to funerals and burials.

It is regrettable that within this wide range of studies more attention was not paid to legal education in Quebec and Canada (Professors Cohen and McWhinney do, however, touch upon the subject, at pp.487 and 504). The matter was long a preoccupation of the late Professor Baudouin, who taught for over twenty years in the Faculty of Law of McGill University, for two years at the Université de Montréal and, on a visiting basis, in a number of other institutions. The span of years covering his association with legal education, from the time when Quebec and other Canadian universities first became sensitive to the need for greater emphasis in this area to the critical point at which we have now arrived, would have afforded an occasion to measure the progress in a field of endeavour to which he devoted so much of his own creative energies.

The volume is attractively printed and bound, with the usual high quality one has come to expect of the publications of the Presses de l'Université de Montréal. However, it would have been further enhanced by an alphabetical subject index and a series of biographical notes on the contributors who, from many quarters of the legal community, have rendered homage to a distinguished scholar and fine gentleman.

John E. C. Brierley*

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(1) *Legal Foundations of Land Use Planning: Cases and materials on planning law;*
(2) *Legal Foundations of Environmental Planning: Cases and materials on environmental law,*
par Jerome G. Rose, New Jersey: Center for Urban Policy Research, Rutgers University, 1974. Pp.319(1), 318(2) ($10.00 each).

Les deux ouvrages précités s'inscrivent dans une série de sept études sur les affaires urbaines publiées en 1974 par le «Center for Urban Policy Research» de l'Université Rutgers.[1] Evidemment conçus comme manuels de base pour l'étude du droit urbain américain, les ouvrages du professeur Rose sont composés d'extraits de jurisprudence, de doctrine et de textes législatifs.

Très bien structurées, les deux études établissent d'abord les principes fondamentaux de «common law», de droit constitutionnel et de droit administratif sur lesquels repose le droit urbain américain. Ainsi y retrouve-t-on des documents et des arrêts où sont détaillés les concepts de «nuisance», de négligence, de «trespass», etc., un exposé des fondements du pouvoir législatif et réglementaire des municipalités et des gouvernements supérieurs, ainsi que des recours des citoyens qui se croient lésés par l'action de ces organismes. Suivent ensuite des exemples de l'application de ces principes aux différents problèmes de droit urbain: la pollution sous toutes ses formes, la planification et l'aménagement du territoire, etc.

Le problème essentiel auquel s'est arrêté le professeur Rose est celui typiquement nord-américain de l'opposition entre la notion de profit et la nécessité de planification urbaine. En effet, la planification urbaine et la protection de l'environnement sont trop souvent ignorées au profit des entrepreneurs offrant des projets grandioses de développement non-planifiés, mais rentables pécuniairement pour les municipalités prises dans un étau fiscal.

Les documents colligés illustrent ces questions et, de plus, démontrent que les outils juridiques utilisés afin d'assurer le développement urbain intégré et planifié sont, à quelques exceptions près, dépassés ou trop procéduraux.

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[1] Les autres volumes de cette série sont:
Franklin J. James, *Models of Employment and Residence Location;*
James W. Hughes, *Suburbanization Dynamics and the Future of the City;*
David Listokin, *Land Use Controls: Present Problems and Future Reform;*
Michael R. Greenberg, *Readings in Urban Economics and Spacial Patterns;*
W. Patrick Beaton, *Municipal Needs, Services and Financing: Readings on Municipal Expenditures.*

Attendu les notions juridiques américaines exposées dans ces deux ouvrages, l'intérêt pratique demeure fort limité pour les juristes québécois. Par ailleurs, de tels ouvrages constituent une excellente source d'inspiration pour l'introduction de nouvelles notions dans notre droit. Le meilleur exemple est sans doute celui de la théorie du "Eminent Domain", laquelle, malgré la souplesse de nos lois d'expropriation, n'existe pas en droit québécois. Selon cette théorie, la planification urbaine doit primer à l'encontre des aléas du développement assuré par une politique de laisser-faire; on permet ainsi aux municipalités de prendre immédiatement possession de terrains pour des fins d'utilisation publique planifiées d'avance, mais qui ne se réaliseront que dans quelques années.

Somme toute, quiconque s'intéresse à la chose urbaine se doit de consulter les deux ouvrages du professeur Rose afin de comprendre comment nos voisins américains répondent au phénomène de l'urbanisation.

Charles R. Schmidt*

The Law of Evidence in Civil Cases, by John Sopinka and Sidney N. Lederman, Toronto: Butterworth, 1974. Pp.637 ($50.00).

A lawyer unacquainted with the "adversary system" of justice would find it difficult to understand the complexity of the common law rules of evidence. To him, evidence would be a rather arid subject, akin to procedure, with few rules of any serious interest and indeed with very few rules at all. The "adversary system", by turning the trial into a contest, has necessitated the creation of rules limiting the way in which men may show the truth of their assertions. As a result, the law of evidence has become not only one of the more difficult areas of law from a technical standpoint, but also a major source of philosophical and social disputes. The nature of "truth" and the proper course of action when "truth" and "justice" seem to conflict are among the issues that can properly arise in a debate on evidence.

The writer of a textbook on evidence faces a double task. In order to write a competent work he must present the technical problems in a reasonably clear manner and he must illustrate as many rules as he can with cases judiciously selected from the copious

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supply. In order to write a very good work, he must point out and face the theoretical issues and he must explain and defend his own ideas. Despite a number of minor shortcomings which will be discussed a little further on, Sopinka and Lederman's *The Law of Evidence in Civil Cases* is both a competent and a good book.

Those interested in the technical aspects of evidence will be pleased by the clarity of the writing. The pace of exposition is brisk without becoming cursory; the classification of the different rules is simple and logical. The writers first deal with the general principles of admissibility and then with the celebrated exclusionary rules that render common law evidence so different from other systems. Next follows a chapter on the "production of evidence", which embraces judicial notice, burdens and presumptions, and corroboration. Finally, we come to the more procedural problems of the presentation of evidence before courts. One might dispute the relatively minor place given to similar fact evidence: while this may not be a major issue in civil matters, it is nonetheless a very difficult and interesting area which merits insertion among the "exclusionary rules" instead of treatment as a subsection of "relevance". On the whole, however, one cannot fault the authors' classification of topics.

The treatment of cases is particularly praiseworthy. Enough of the facts is usually provided for the reader to understand the issue, but no rambling or irrelevance is permitted. The treatment of *Wright* v. *Doe d. Tatham*[1] at pp.46-48 and *R.* v. *Snider*[2] at pp.244-246 are two of many excellent lessons of how to discuss cases in a textbook.

Philosophically, Sopinka and Lederman are clearly reformers. From the outset, they need to defend their rather novel decision to separate criminal from civil evidence, even though they must constantly refer to criminal cases. In justification, they invoke the fact that criminal and civil evidence are being reformed separately, the disappearance of civil juries, and the lesser degree of solemnity attending civil cases. Despite these arguments, one can wonder if a textbook encompassing all evidence along the lines of Cross[3] is not desirable. However, Sopinka and Lederman have clearly given a thoughtful explanation of their position. Their decision, whether one agrees or not, is a perfectly reasonable one.

In many areas of law, Sopinka and Lederman propose specific reforms. They sensibly call for the elimination of the remnants of

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[1] (1837) 7 Ad. & El. 313, 112 E.R. 488.
[2] [1954] S.C.R. 472.
[3] Cross, *Evidence* 3d ed. (1967).

the rule in *Hollington* v. *Hewthorne*[4] (pp.26-29). They join forces with those calling for the admission of first-hand hearsay into evidence, underlining that this would not necessarily be wise in criminal law (pp.150-155). They advocate a "more moderate" policy with respect to illegally obtained evidence and in particular, advocate the exclusion of evidence obtained in violation of the Bill of Rights[5] (pp.343-347). These opinions are perhaps not particularly startling or new, but they provide much food for thought for interested students.

Roses have thorns and good books have faults. This book is no exception. The absence of an index of statutes is a minor but at times annoying defect. The authors could perhaps insert one in future reprints.

A more serious shortcoming is the omission of a formal conclusion. The many ideas and theoretical positions which the authors present to their readers are thus left inchoate and somewhat understated. A final chapter tying together the various threads would have provided the type of finish this work deserves.

In conclusion, it must be reiterated how much the qualities of this work overshadow its faults. It is pleasing indeed to greet the appearance of a first-rate Canadian textbook on a subject which sorely needed such attention.

Julius H. Grey*

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[4] [1943] 1 K.B. 587.

[5] *Canadian Bill of Rights*, S.C. 1960, c.44.

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WOMEN AND THE LAW / LA FEMME ET LE DROIT
SPECIAL ISSUE ÉDITION SPÉCIALE

PREFACE

The Board of Editors is pleased to publish this Special Issue on Women and the Law. This multi-faceted subject has not been widely treated in Canadian scholarly journals, but is one which we believe merits serious study.

In our attempt to explore a broad selection of topics we unfortunately have been unable to afford certain issues the in-depth consideration which they deserve, and have been precluded by limited space from treating other relevant topics at all. It is, however, our hope that further discussion of the law as it affects women and of the perceptions behind the law, will be stimulated by our efforts.

We wish to thank the authors who have contributed to the issue for their interest and patience, and the federal Department of Justice for the generous grant which helped make possible the realization of this project.

PRÉFACE

Le comité de rédaction est heureux de présenter cette édition spéciale intitulée "La Femme et le Droit". A notre connaissance les revues juridiques canadiennes ont rarement traité ce sujet qui mérite une étude sérieuse.

Nous sommes conscients du fait que cette étude consacrée à la femme n'est pas exhaustive. Le sujet étant très vaste et étant donné l'espace limité de notre revue, nous avons dû éliminer certains aspects et d'autres n'ont pas pu être approfondis comme ils auraient pu l'être. Nous espérons, toutefois, que cette vue d'ensemble a soulevé plusieurs questions et que de futures recherches concernant la situation juridique de la femme seront ainsi stimulées par nos efforts.

Nous tenons à remercier pour leur collaboration assidue tous les auteurs qui ont participé à cette édition spéciale ainsi que le Ministère de la Justice fédéral qui a contribué au financement de ce projet.