BOOK REVIEWS

CONSTITUTIONAL LAW

By E. C. S. Wade and G. Godfrey Phillips
Fifth edition by Wade

TORONTO: LONGMANS, GREEN AND CO., (1957)

There may not be a British constitution, but fortunately there is Wade & Phillips, now in its fifth edition, edited this time by Professor Wade alone. Few changes of note have occurred since the previous edition, and the style, size and format remain much the same. Essentially this is the educational textbook, not breaking new ground as did Dicey, or opening new approaches as did Jennings, but hewing close to the traditional line and covering the essential elements succinctly yet comprehensively. Enough of the Canadian constitution stems from this basic law to make it as essential to the Canadian as to the English student.

The separation now made between administrative and constitutional law, the result of the great growth of the former branch over the past half century, enables Professor Wade to keep his volume within the modest size of 500 pages. The sixty pages he does devote to administrative questions give the outlines of the British system, but, as the editor points out, "Comparison with any foreign system of administrative law is purposely avoided lest it might confuse the student who is not yet acquainted with the administrative jurisdiction of his own country". This is a far cry from the simpler days when Dicey compared the fortunate absence of administrative law in England with its rather regrettable presence in France. Laudable as may be the desire not to confuse students, it is perhaps a pity that less attention was not paid to some of the particular English administrative tribunals mentioned in the text and a little more devoted to the challenging notion, around which considerable argument has taken place, of formulating uniform administrative rules and, possibly, entrusting them to a special administrative tribunal for final adjudication.

It may not be out of place to refer to some points of detail in the section dealing with the British Commonwealth. The term "British" Commonwealth is still used in some pages, as is the word "Dominion" as part of the title of Canada. Plain Commonwealth and Canada are better usage. The footnote reference to authorities on the Canadian constitution (p. 450 n. 3) mentions only Kennedy and Dawson not Laskin or Clement or Lefroy. The new Letters-Patent in Canada containing a full grant of prerogative powers were issued in 1947, not 1937 (pp. 472, 474). The statement that it is "difficult to contend that a declaration of war by the Government of the United Kingdom would bind the other

members of the Commonwealth without their governments making separate declarations" is strangely cautious in view of the widely accepted notion of the divisibility of the Crown in this respect, and of the separate use of the war and peace power by many of the states of the Commonwealth. A further statement (p. 477) that "A Member of the Commonwealth can make a declaration of independence which for international validity requires a treaty or some form of recognition", appears to need clarification; a unilateral act of secession by a Member already an independent state from the international point of view would seem to require nothing further. These passages indicate a reluctance to carry the implication of Members' independence to its logical conclusion. They detract little from the excellence of the work as a whole.

F. R. SCOTT*

TRAITE DE DROIT CIVIL DU QUEBEC — Vol. 7-bis

by Léon Faribault, Q.C.

MONTREAL: WILSON AND LAFLEUR (1957).

The appearance of the latest volume of the still incomplete "Trudel" series is the most recent addition to the short but growing shelf of books dealing with our civil law. Written by Mr. Léon Faribault, the author of two other volumes of this series, it covers arts. 1041-52 and arts. 1057-78 of the Civil Code. This part of the Code comprises quasi-contracts, obligations resulting from the law, the object of obligations, and the effect of obligations. The last subject particularly is one of vital interest to the profession as it includes the rules of specific performance, contractual damages and default.

Prior to this work there was little if any contemporary writing in these fields of Quebec law, especially with respect to specific performance, a remedy to which most of our authors have devoted scant attention. It was thus normal to hope that Mr. Faribault would provide the sorely-needed exploration and synthesis of the jurisprudence and doctrine. Unfortunately, valuable though it is in some respects, this book is hardly satisfactory.

On the credit side, it is the first really detailed study of the recourses available under art. 1065 C.C. Specific performance, damages and resolution of contracts are discussed with respect to all principal types of contract separately: sale, carriers, mandate, lease and hire, loan, deposit, partnership, gifts, etc. This eminently pragmatic division — these recourses are traditionally studied from

*Macdonald Professor of Law, McGill University.

the point of view of a three-fold division of obligations in obligations to give, to do, and not to do — would be very useful in practice if it were preceded by a good general introduction dealing with the guiding principles and if the jurisprudence were organized with clarity and logic. Mr. Faribault's approach, if effectively carried out, would provide an invaluable tool for the practitioner.

However, not only is the introduction far too superficial to be of much use, but the practical materials are inadequately handled in many cases and set down without any convincing attempt at organization and comprehension, let alone synthesis. Too many pages of this book, indeed, arouse the suspicion that one is reading a not too coherent compilation of abbreviated headnotes. The skimpy index does not make the use of this book easier.

While much of the important jurisprudence is referred to, there are some puzzling omissions.[1] Often an important matter is dealt with perfunctorily, while excessive attention is devoted to lesser problems. It is also a bit surprising not to find any discussion of injunctions, at least with respect to the specific performance of negative covenants. These restrictive covenants occur frequently in the business world and there has been a lot of reported litigation concerning their enforcement by means of injunction. Even a short coverage of the subject would have added to the completeness of the book.

The style used to refer to decisions, different though it is from the traditional method of citation, must be familiar to subscribers to this series. Footnotes are generally accurate, although the index contains an unusually high number of misspelled citations (a feature of too many legal textbooks appearing in this province). A more extensive use of footnotes when referring to the doctrinal writers of France would have increased the scholarliness of this volume. While exact references may not be too important to the student, the practitioner or the scholar, for whom this series is presumably published, is entitled to expect at least as high a degree of precision and authoritativeness as is required of any ordinary factum.

Yet, in spite of the serious shortcomings of this book, it has some value as a handy introductory survey of the law and recent jurisprudence in the fields it deals with. And Mr. Faribault is entitled to credit for taking away time from his important functions as *greffier des appels* and producing this pioneering book. The state of our legal literature in Quebec being what it is, it would be unrealistic to demand too much.

CLAUDE-ARMAND SHEPPARD*

[1]E.g. *Lachance* v. *Brissette* (1930), 49 K.B. 321; *Corporation of the Town of Grand'Mère* v. *L'Hydraulique de Grand'Mère* (1908), 17 K.B. 83; *Wills et al* v. *The Central Rly. Co.* (1915), 24 K.B. 102, (1914), 23 K.B. 126; *St. Denis* v. *Quevillon and Payette* (1915), 51 S.C.R. 603, (1914), 23 K.B. 436; *Pitre* v. *l'Association Athlétique d'Amateurs Nationale* (1911), 20 K.B. 41, to name but a few important decisions.

*Of the Board of Editors, McGill Law Journal; third year law student.

CASES AND MATERIALS ON INCOME TAX

Compiled and edited by John G. McDonald with a Foreword by G. F. Curtis

TORONTO: BUTTERWORTH & Co. (CANADA) LTD. (1957). PP. xl, 695.

There is perhaps no other field of legislation as that of income tax which pits so relentlessly The State v. The Individual. The law student witnesses from the sidelines a perennial battle of brains where one party searches for the loophole with astuteness and the other for the oversight with grave concern. The annually amended *Income Tax Act* testifies to this constant preoccupation of our Federal Government to tame "its power to destroy" according to the foresight and ingenuity displayed by the Canadian taxpayer. The regulating role of the 2½ billion income tax dollars pocketed by the federal treasury annually has been stressed often enough in the light of our economic achievements of the past and prospects for the future; suffice it to say that for more than a decade now the field has warranted an important course of study in the curriculum of all law schools across our country.

Mr. McDonald's worthy contribution to this hazy arca of the law is primarily an achievement in providing the student with cases and material heretofore inaccessible in such a well organized and concise form. In most spheres of the law the case book is rapidly becoming what Dean Curtis terms the student's "portable and personal library".[1] Mr. McDonald makes use of this method in such an expert way and with such critical know-how that his work stands out as more than mere reference material but rather as a true text book on the subject.

The *Income Tax Act* by no means appeals to the mind in search of clarity within legislation, and the average law student, basically iguorant of the technical concepts dealt with in the Act, approaches with apprehension the study of undistributed income of corporations, capital element in annuity payments, dividend tax credits, interlocking directorates and so on. The author readily admits in his preface that "this is primarily a stndent's book"[2] and his approach to this complicated legislation remains throughout one aimed at providing the students with the fundamentals of income tax law.

The interposition of interesting articles between judgments or at the outset of various chapters (the majority of the articles are the author's own) allow the reader to grasp an awareness of the complexities underlying the interpretation of a particular section of the Act; once the problem is expertly set out, Mr.

[1]From the Foreword by Dean G. F. Curtis, p. V.

[2]Preface, p. VII. See also, *inter alia*, p. 417.

McDonald proceeds to edit the opinions of various judges and lawyers. His choice of judicial or quasi-judicial decisions is excellent in that they always succintly sum up the facts (which he otherwise supplies in small print where they do not appear too clearly from the judgment) and provide the juridical reasoning which explains their being inserted under a particular heading. Discussion notes throughout the book provide the interested student with more complex problems and the professor with examination material.

The law school student eager to learn as much as possible in the shortest possible time will find the 600 odd reported cases, the various tables of contents, of statutes, of cases, and the analytical index of invaluable help. To us, Mr. McDonald's book spells a must for the student of income tax law. The basic concepts of this often-amended area of statutory legislation will endure and always stand to be illuminated in the light of the author's expert grouping of material. It is also our humble opinion that the practitioner will derive an immense profit from adding this case book to his every day library.

YVES FORTIER*

THE EVOLUTION OF THE JUDICIAL PROCESS

by The Hon. James C. McRuer

CLARKE, IRWIN AND CO. LTD. (1957). PP. xl, 115, ($3.00)

The paucity of the literary output made in Canada by leading political and judicial figures should alone be sufficient to stimulate interest in this book. The author, the Hon. James C. McRuer, is well known in his capacity as Chief Justice of the High Court of Ontario. Sometimes overlooked, however, is his work as a joint author of the now famous Archambault Report of the Royal Commission on the Penal System of Canada (1937), and his chairmanship of the Royal Commission on Sanity as a Defence in Criminal cases.

The Evolution of the Judicial Process heralds the beginning of what we hope will become a continuing series of publications. The W. M. Martin Lectures, conceived and organized by the Law Society of Saskatchewan, for the furtherance of legal education, promise to be a valuable addition to the field of Canadian legal thought. The first lectures of this series, given in 1956 by Chief Justice McRuer, now form the basis of this book.

In his preface Chief Justice McRuer states that his objective is to stimulate "an objective appraisal and further study of the judicial process as it regulates the domestic affairs of free men, and as a probable organ for the regulation

*Of the Board of Editors, McGill Law Journal; third year law student.

of all men in their international affairs." He accordingly points out that "It was not intended... to give a detailed catalogue or comprehensive history of the evolution of the judicial process." It is therefore only fair to evaluate this book in terms of whether or not it fulfills the author's stated and limited objective.

The judicial process is approached from three different points entitled Historical, Contemporary and International. Part one deals almost exclusively with historical development in the United Kingdom. This is unfortunate because it largely results in the retreading of already familiar ground. The fact that the Ordeal was utilized in determining guilt in the East as well as in Europe is however very interesting. We are told that the rationale of the Ordeal was to reveal divine will. The author argues that its common use in both East and West supports his broad and contreversial thesis that "Historically in all states of civilization there has been some recognition on theory at least that there is a natural law of Divine dictation, and justice has heen administered as an expression of the Divine will." It is unfortunate that the Chief Justice didn't elaborate more fully on this interesting proposition.

Part two examines the current operations of the judicial process in a variety of countries, including Canada, the United States, the United Kingdom, most European countries, the U.S.S.R. and China. The judicial hierarchies are described along with the differing methods of making judicial appointments. There has always been considerable criticism in Canada of our method of selecting judges. Critics should welcome this opportunity to compare our practice with that of other nations.

Chief Justice McRuer recognizes that our judicial system suffers from imperfections. For example he concurs in the view that litigation is very often too expensive for the average Canadian citizen. Since several European systems were desigued to remedy this complaint, he maintains that an examination of these other systems might contribute towards the solution of this problem in Canada. He wisely suggests "that it should be corrected by the legal profession and not in spite of the legal profession."

We are also reminded that due to population growth the present broad jurisdiction of the Supreme Court of Canada will, of necessity have to be limited. The reviewer cannot resist adding that other factors besides sheer population increase might have the effect of precipitating a limitation of the Court's functions. For example, the adoption of a Bill of Rights could theoretically result in a whole new army of litigants marching upon Ottawa to claim its protection.

In its concluding portions, the book traces the development of the judicial process in the international sphere. The Chief Justice displays a swift and somewhat dogmatic impatience with the traditional law, "it can be safely stated that there *is* international law, althongh variously defined by different writers." Instead, he concentrates upon descriptions of the creation of the Permanent Court of International Justice, the evolution of arbitration as a method of resolving international problems, and the establishment in 1945 of the International Military Tribunal which convened at Nuremberg.

It is difficult to disagree with his conclusion that nationalism presents the main obstacle to a general acceptance by nations of an effective international judicial process — our only alternative to total destruction.

Chief Justice McRuer has provided us with a lively and interesting little book. It is however unfortunate that he was not more liberal in expressing his own conclusions about the problems posed, as this would certainly have contributed towards the achievement of his stated objective.

RONALD I. CHEFFINS*

THE LION AND THE THRONE: THE LIFE AND TIMES OF SIR EDWARD COKE (1552-1634)

By Catherine Drinker Bowen

BOSTON: LITTLE, BROWN & COMPANY. TORONTO: LITTLE, BROWN & COMPANY (CANADA) LIMITED. PP. xiii, 652. ($6.75)

This stirring and evocative biography of one of the giants of the Common Law was written primarily with the American lay reader in mind. But its sharp insight into the politically and constitutionally turbulent transition period from Elizabeth I to Charles I should be even more interesting to the lawyer, who will have the feeling of coming face to face with some of the molders of those personal and Parliamentary rights which are today taken almost for granted. This should apply, *a fortiori,* to the Quebec practitioner or student, who, by the very nature of the codification of much of his private law and the approach of the commentators in clarifying and synthesizing, may be less conscious than his common-law confrères of the tremendous impact of individual men on the law, in development as well as action.

Coke was thoroughly and passionately devoted to the law, as barrister, judge, and teacher. "Knowledge of the law is like a deep well, out of which each man draweth according to the strength of his understanding. He that reacheth deepest, he seeth the amiable and admirable secrets of the law." And he did reach deeply, almost pedantically, in his drawn-out recitals of ancient statutes and maxims to support a legal pleading or a political view. He was an assiduous reporter of his own and others' cases—"And so it was clearly holden *Pasch. 14 Eliz.* in the court of common pleas, which I my self heard"—and these reports were widely used for three hundred years in England and the United States.

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*Teaching Fellow, Faculty of Law, McGill University.

His *Institutes,* first published in 1628, were one of the earlier attempts to "codify" or comprehend the already massive accretions of the common law, "to open some windowes of the law, and to let in more light to the student, or move him to doubt." Mrs. Bowen's biography numbers some of the leading statesmen of the American Revolution among those who have laboured through and were weaned on his very detailed works, especially his *Commentary upon Littleton,* the first volume of the four which comprised the *Institutes.* These were, incidentally, among the first legal treatises to be written in English; even his *Reports* were in the traditional law French, with Latin prefaces.

But his scholarlship and delight in the common law ("The best and most common birth-right that the subject hath for the safeguard and defence, not only of his goods, lands and revenues, but of his wife and children, his body, fame and life also.") went far beyond teaching and practice, forming the basis for his opposition to the unbounded exercise of the royal prerogative claimed by James and Charles and their supporters. "The common law hath admeasured the King's prerogative," he recited to Parliament. He had grown up under the first Elizabeth, who respected Parliament and needed it for the subsidies to carry on preparations against Spain, but who yielded not a fraction of her prerogative, and knew how to guard it with political adroitness as well as royal presumption. His later experiences were with Kings less skilled, less well-loved, though no less determined. Opposing the royal will was not a thing to be done lightly in those times. But oppose it he did as parliament man and as judge. Even though, as Chief Justice, he had to humble himself on all fours before James after pronouncing it, he risked the King's anger with a statement daring in its bluntness. In reply to James' avowal that "he would ever protect the common law", Coke retorted that "the common law protecteth the King." Again, his leadership in the stand against James for the privileges of Parliament, during the 1621 session, cost him seven months in the Tower, Still he spoke out, and at the ripe but vigorous age of seventy-six, was a guiding spirit in the 1628 Parliament of Charles I that reiterated in the Petition of Right all that Englishmen had gained to that time in the way of freedom of person and of speech. Coke was a monarchist, but far from being a "lion *under* the throne" as Francis Bacon would have the judges, he was the voice that cried, (paraphrasing Bracton, typically strengthening his claims with reference to legal authorities) "The King is under God and the law." It took the learning, intelligence and drive of a Coke to justify legally and to manœuvre politically the growing sovereiguty of Parliament. It is interesting that it was such men, essentially conservative and loyal to their country and King, steeped in English traditions (especially those of the law), who brought about the beginnings of political revolution and modern concepts of political rights. "The oldest ways are the surest ways," they said. Their special quality was their concurrent and supervening loyalty to principle, and an instinctive sense of going just beyond far enough without going too far. Foremost among them, Coke always stood his

ground and spoke his mind. "Not that I distrust the King, but that I cannot take his trust but in a Parliamentary way."

As with the royal prerogative, so with the ecclesiastical courts, with Chancery and the High Commission. When he suffered temporary eclipse, having been dismissed from his position as Chief Justice of King's Bench (hence, *Chief Justice Totius Angliæ*) in 1616, it was said succintly that "pride, prohibitions, premunire and prerogative" had been his undoing. The last three refer principally to his procedural and jurisdictional battles with Chancery and the King, his advocacy of the independence of the judiciary from direct royal interference, and his holding the common law to prevail over all; the first, to his steadfastness and refusal to yield on matters of law and principle.

His opponents were formidable, and his private and public life seemed to get very much intermixed. Francis Bacon, that many-sided genius and his opposite in terms of personality, had been a life-long rival for royal favour, for public office, and even had sought unsuccessfully, the hand of Lady Hatton who was to become Coke's second wife. (This was one of the few times Coke might have won by having been the loser; theirs was a most unfortunate match, and their prolonged bickering was a public as well as private matter, with legal actions taken on both sides, carrying-off by mother and violent recapture by father of their mutual daughter, and constant attempts on Lady Hatton's part to undermine him at court. This daughter's indiscretions, the prodigious and constant indebtedness of his sons as well as his conjugal difficulties seem to have been the major private thorns in the side of a man who sired and supported eight children, but probably fathered the law with greater devotion, in terms of time at least.) Ellesmere, Bacon's predecessor as Lord Chancellor was another potent rival. In fact, many of the lords of the blood and of old family regarded Coke (and most lawyers) as rude parvenus; Burghley was his only important friend on the Privy Council. Though Bacon was instrumental in humbling Coke, the former's impeachment while Lord Chancellor was to be much more abject a fall.

The biography, in conveying these and other aspects of Coke's family, social and official life, gives a vivid picture of his times. His combination of scholarship with a hard-driving, aggressive and wordly personality were typical of the England of the post Renaissance and post-Reformation; his country was vigorous and unphlegmatic, on the long rise to world leadership that was to end only with the World Wars of our own century. Coke participated either as judge or Queen's Attorney-General in some of the most famous political trials of the day, such as those of Essex, Raleigh, Father Garnett and the Gunpowder Plotters. His demeanour as advocate was in sharp contrast with that as judge. He was known as a ruthless prosecutor; his conduct of the trial of Raleigh, for instance, was vicious enough to draw hisses from the gallery, and his penchant for advocacy came to the fore on occasion, even while judge. He was bitterly anti-Catholic and detested Spain.

But in all these weaknesses as well as strengths, he reflected the temper of his times, political and legal. The common law had already crystallized into a formalistic and harsh system, but one which many writers have held suited the English temperament, providing as it did a rigorous certainty, if not a merciful and flexible justice. This was a time of cruel penalties, hangings on a wholesale scale, drawings and quarterings (and worse). Confessions were still obtained by torture or threat of it, condemnation made on hearsay. Judges were as zealous to prosecute as were the Crown attornies. This was a time of treasonable plot and counter-plot among Englishmen, with Spain always somewhere in the background. Religious toleration was viewed as a weakness, incompatible with national welfare; politics, nationality and religion were all one bundle in the eyes of 16th and 17th century Europe. It was to be centuries before England completely outgrew the superstitions of barbarism and medievalism.

The picture Mrs. Bowen draws so well is that of a well-rounded and completely human person, very active and influential legally and politically in a fascinating and, for posterity, a very important time. Her style and thorough documentation, her evident interest in her subject and the care with which she approached it, will provide most enjoyable and beneficial reading for all those concerned with the law and with history; this writer finds it easy to recommend this book with enthusiasm.

B. ROBERT BENSON*

AIMS AND METHODS OF LEGAL RESEARCH

Conference held at the University of Michigan Law School, Nov. 4-5, 1955.

EDITED BY ALFRED F. CONARD.
ANN ARBOR: MICHIGAN LEGAL PUBLICATIONS (1957). PP. X, 199.

In November 1955, a number of American legal scholars met at the University of Michigan Law School to discuss the aims and methods of legal research. The papers presented by seven of them, together with the comments of nineteen deans, professors of law and judges were recently published by Michigan Legal Publications.

Every report of such a symposium is necessarily uneven in value; and this book is no exception. However, the quality of the participants, the frankness of their remarks, and specially the absence of any single and pompous opinion render the reading of this report remarkably interesting.

The major criticism one can make of Professor Karl Llewellyn's paper on

*Of the Board of Editors, McGill Law Journal; third year law student.

Social Significance in Legal Problems is the style of its presentation—or rather the lack of it. The following example, chosen at random, will render any further comment on this point unnecessary:

> "I've written down a lot of stuff here that I am not going to read to you, except when I manage to get something phrased rather nicely, that I just don't want to let go because it tastes good, and I want to let the particular words come out."

The main theme of Mr. Llewellyn's essay is the emphasis on research in the "other-than-doctrinal" field, on "fact research." These are by no means new words in the author's mouth, as he was writing in 1929:

> "We shall not get down to the real study of 'how rules work' until we come to see that until we know how a rule *works*, we don't know what a rule is."[1]

His opinion on the point is now widely accepted in the United States,[2] and in Canada, it was sanctioned to a certain extent by the Committee of the Canadian Bar Association on Legal Research, in its report of 1956:

> "(Law) is concerned first and foremost with human behaviour and human relations in a given social context."[3]

But, to borrow the words of Professor Burke Shartel, in his remarks following the delivery of Llewellyn's paper, the latter is "extremely general and vague."

In the second essay, *Research for Legislation,* Professor Charles B. Nutting offers more practical aims for legal research. After having explained the function of legislation, he states:

> "Statutory drafting offers an opportunity for exactly the type of legal research I think we should encourage law students to do."

The author suggests, as one practical example, the Codification of the Common Law, a subject which has been recently examined in this Province by Mr. Walter S. Johnson.[4] As a more modest undertaking, Professor Nutting suggests the drafting of model statutes in such fields as litigations involving claims for personal injuries, one which needs much study and legislation this side of the border.

The Committee on Legal Research speaks of a new duty incumbent upon the legal profession: that of law reform.[5] This paper suggests the means to fulfill this new duty.

The most interesting text in the book is undoubtedly Professor Yntema's essay, entitled *"Looking out of the Cave"—Some Remarks on Comparative*

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[1] *Handbook of the Association of American Law Schools* (1929), p. 35.

[2] "The bedrock of our legal order is the proposition that legal order is not an end in itself; law justifies itself only as it serves the fuller life of the whole people"; Hurst, Research Responsibility of University Law Schools (1957), 10 Journal of Legal Ed. 147.

[3] Report of the Committee on Legal Research (1956), 34 Can. Bar. Rev. 999, at p. 1002.

[4] The Codification of the Common Law (1957), 17 R. du B. 165.

[5] Loc. cit., at p. 1034.

Legal Research. In Quebec, and indeed in the rest of Canada, it is generally assumed that the main purpose of comparative law is a necessary return to the sources in order to complete and explain our legal systems. For Professor Yntema, it has a "universal human outlook," mostly tied up with the problem of justice. In that sense, it may appear that the author is somehow opposed to Llewellyn's plea for non-doctrinal research. In fact, the purpose of comparison is practical: "to make sure that what happens in Ann Arbor (Mich.) is duplicated in Ruritania."

But Professor Yntema does not confine himself to the topic assigned to him; he examines very critically the system of legal education in the United States: how the educational background of the law student is very deficient, in that he has no classical humanities, little skill in writing,[6] almost no knowledge of any foreign langnage, little desire to read what is not immediately necessary for class purposes; how there are almost no non-vocational prerequisites of admission to legal studies; how law schools are largely responsible for the lawyer regarding his profession as "an honorable trade."

The author brings forward a set of suggestions for the improvement of the situation. In his words, "the time is overdue to justify the pretention of law as a university discipline."

> "To conduct the kind of research that I shall be discussing, three elements must be brought together: ideas, money and manpower, and the hardest of these to come is manpower,"

says Associate Dean David F. Cavers, at the outset of his paper on *Manpower for Research.* To improve the situation, Mr. Cavers advocates the creation of a research department in the major law schools with full-time scholars and a number of recent graduates.

The present stage of legal research in Canada seems to prevent even the consideration of such a project by our Universities. Our Law Schools are still at the beginning of the process; they still have to create an interest among the members of the legal profession, and the Committee on Legal Research recommends this as one of the first steps.[7] Moreover, the facilities for research here are still too inadequate. And, I think, most of all, the absence of funds and endowments available for basic research, even on a limited scale, is the ever-present problem. Mr. Cavers himself admits that his proposals "cut into the problem at a fairly late stage." In this country, these suggestions will be more useful in ten or fifteen years.

The task of dealing with *The Law and Some Aspects of Criminal Conduct* was assigned to Professor T. Sellin, a sociologist. The author belongs to that class of criminologists for whom the influence of social groups, like the family,

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[6]This is not only the opinion of one man; see for instance: Rosco, The Miami Plan —Basic English for Law Students, (1957), 11 Am. Bar Ass. J. 1013; Abel, Introduction to Legal Writing, (1957), 12 U. of T. L. J. 81.

[7]Loc. cit., at p. 1012.