

REVIEWS : CRIMINAL LAWS—GENERAL AVERAGE.

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THE CRIMINAL LAW CONSOLIDATION AND AMENDMENT ACTS OF 1869 FOR THE DOMINION OF CANADA, AS AMENDED AND IN FORCE ON 1ST NOVEMBER, 1874, IN ONTARIO, QUEBEC, NOVA SCOTIA, AND MANITOBA, AND ON 1ST JANUARY, 1875, IN BRITISH COLUMBIA WITH NOTES, PRECEDENTS, ETC., by Henry Elizear Taschereau, one of the Judges of the Superior Court for the Province of Quebec. Vol. I. Montreal: Lovell Printing and Publishing Co. 1874. pp. 796.

This compilation contains the full text of the Criminal Statutes Consolidation Acts of 1869, with a synopsis under each clause of the law and the rules of pleading practice and evidence applicable to it. At the end of each clause will be found cited the corresponding clause of the Imperial Statute, and any material difference is stated. The learned editor makes some very pertinent observations as to some errors that have crept into the Statutes of 1869. His note on sec. 110, of the Larceny Act, is very interesting. He falls foul of this enactment on several grounds. One difficulty as to the section is that it is so wide in its scope that it is of little use, the magistrate fearing that perhaps after all he may be wrong in supposing it to be as wide as the words would seem to justify. But the ways of the thief in the nineteenth century are "past finding out," and we should not grumble if it catch some unwary sinner who thinks he has discovered some manner of cheating his neighbour which is not covered by the Criminal Law. It is not likely that its power will be abused nor a conviction had under it without the clearest evidence. A number of English authorities are cited on the different sections, taken from the annotations made by Mr. Greaves, Q. C., who was the framer of the English Acts.

The second volume is to consist of the Procedure Act of 1869, with annotations, the General Repeal Act of 1869, and the Criminal Consolidation Statutes of Manitoba, British Columbia, and Prince Edward Island. Judge Taschereau, however, annexes a condition to the publication of the second

volume, which is, that the expenses incurred in the first be reimbursed. We cannot imagine that there will be any difficulty on this score. The book should be in every lawyer's shelf, and will be as useful in Ontario as in Quebec. A few defects appear in the "get up" of the book, but they are of no practical moment, and none but a critic would notice them. We should, however, in this country aim at the highest standard, and it is only in this view we speak of it.

THE LAW OF GENERAL AVERAGE (English and Foreign.) By Richard Lowndes, Author of the Admiralty Law of Collisions at Sea. Second edition. London: Stevens & Sons, 119 Chancery Lane, 1874.—pp. 466.

Mr. Fitzjames Stephens, Q. C., in an address to the Law Amendment Society, said: "The fact is that we have already the best of all possible digests, (not referring merely to the works which pass under that title.) I refer to the innumerable text-books of every branch of the law." These words were not used by the learned Q. C. in disparagement of the many invaluable works he spoke of—quite the contrary; but how many text-books are *merely digests of cases*, strung together with more or less ingenuity—nothing more. As digests their practical usefulness cannot be over-estimated, but as treatises which enable the reader to fully comprehend the whole scope and bearing of the law affecting any particular subject, whence it sprang, whither it leads, wherein it fails or can be amended, the general principles involved, and how they are applicable to undecided cases, too many of them are of no value. We have no hesitation in saying that the work of Mr. Lowndes to a remarkable extent a scientific and well considered treatise as well as an invaluable repertory of authorities. His research is very great, his style clear and attractive, and his deductions logical and sound.

A work on General Average must necessarily be somewhat different in its nature and treatment from one wherein foreign law need be but sparingly referred to, if at all. To make the work valuable it should bring together, as the author says, the materials for forecasting the numerous undetermined points which arise in practice. When we reflect upon