

CANADIAN CRIMINAL EVIDENCE (SECOND EDITION), P.K. McWilliams Q.C., Canada Law Book Limited, pp. x, and 1087.

By now, it is a familiar sight in our criminal courts to see counsel extract from their briefcase a well thumbed copy of McWilliams on Canadian Criminal Evidence. Thus armed, counsel is ready to cite any number of authorities (ancient or otherwise) to anyone who cares to hear. For those who are too harried to research points of evidence, or do not wish to be confused by points of principle; for those who have the time only to ask: "what is the rule and how many cases can I cite to support it?" there is welcome news. The second edition of McWilliams's book has arrived.

This is a larger edition (1087 pages as compared to the 663 pages of the first edition) containing an expanded and updated case list. Its table of contents reveals virtually identical subject matter (with the addition of a few sub-headings) in the identical order as the first edition. That is to say, it is not necessarily part of an identifiable conceptual scheme, but replete with easily identifiable terms such as "tape recordings" or "hand-writing" which is useful to the practitioner who knows he has a problem but is not sure of the principle involved.

If what you want is an easy reference book then it will satisfy you, but if you are seeking a more critical analysis then it will not, as it is principally designed to be an aid to the practitioner. It serves the same purpose as that of the first edition in that it is a voluminous compendium of quotations and citations in support of evidentiary rules. However, while that is the book's principal attraction it is also its principal drawback. A text should interest us in reading on, it should provide a framework or principles founded upon critical analysis which provides us with real understanding of the point involved. McWilliam's approach is very much that of the "black letter" lawyer and should be recognized as such. Its utility is dependent upon matching a new fact situation with one of the cases cited in the book.

It would be preferable to see the volume of cases reduced in favour of more critical analysis. Major developments have occurred in the subject of evidence over the past decade as a result of cases and legislation-actual or proposed. It is true that the cases are cited in the book, that the new legislation is duly noted; and there are useful references to the proposed Uniform Evidence Act. Yet, they are treated as if they are but new illustrations of old, static rules rather than representing major policy shifts. Thus in the area of corroboration, while there is reference to the ancient policy considerations behind the rule, the cases of *R. v. Gaja*; *R. v. Vetrovec*,<sup>1</sup> are treated in passing and do not receive the close scrutiny they deserve. In the area of privilege, the old rules are portrayed as if that area had remained static rather than the vibrant subject it has been of recent years following the adoption of Wigmore's criteria for the recognition of privilege. The quagmire that is Crown privilege is given cursory treatment with almost no attempt to analyse the conflicting and confusing cases in this area. Once again, the cases are treated as mere illustrations of a rule.

To give the book its due, it is undoubtedly the best quick reference text on the market.

James C. Robb

1. (1982), 67 C.C.C. (2d) 1.