

## BOOK REVIEWS

**AN ANNOTATION OF THE ALBERTA RULES OF COURT**, by the Honourable W.A. Stevenson and J.E. Coté, Juriliber Ltd., 1981, pp. cxliv and 898, \$124.00.

This much needed book is the first general annotation written on the law of civil procedure in western Canada. Its authors, the Hon. W.A. Stevenson and J.E. Coté, bring many years of civil litigation experience to work both from practice and from the Bench.

One of the features of the annotation which makes it significantly different than others presently available in Saskatchewan, Manitoba and British Columbia is that the authors have not confined their research to local reported decisions. They have extended their research to a large number of cases decided elsewhere in Canada, both reported and unreported. In areas where there have been no Canadian decisions they have looked at English cases and other published works on particular topics. This aspect of the book should make it a useful addition to libraries of practising lawyers in provinces other than Alberta, complementing the more localized annotations available to them. For Alberta lawyers, the book is a welcome, essential addition to their libraries as this is the first and only annotation on the Alberta Supreme Court Rules presently available.

The contents of the book are divisible into several sections: an introductory section, the annotated Rules, the Judicature Act, Bail Rules, Forms in Civil and Divorce Actions, Costs, Tarrifs, Fees under various statutes, Judicial District Boundaries, Rules and Forms of the Northwest Territories, and Surrogate Rules and Forms. The basic organization of the book is sound, although some problems with the mechanics become apparent once one begins to use the book.

A Table of Concordance provides a valuable quick reference to rules prior to the 1969 revisions and re-enactments. There is also an updated list of amendments since 1969 which notes the date of amendment, page number and rule number. In light of the authors' goal of providing a source book for western Canada, however, it seems contradictory not to have included a Table of Concordance relating to similar rules in other provinces as well.

Another problem is the Table of Contents. Considering that works like this one are extensively used by busy practitioners and articling students with limited time to prepare their material for Chambers, ease of access to information is crucially important. The vast amount of material in the 898 pages could have been more readily available had a more detailed Table of Contents been provided. The Table of Contents here is an almost exact replication of the one which appears in the Alberta Rules of Court which is too inexact. For example, under Parties and Joinder of Causes of Action, there is a range of 25 rules in 26 pages, yet only the range rules and page numbers are given. The approach used in the *British Columbia Practice*<sup>1</sup> is preferable. There, a table of all the rules and subrules with

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1. McLachlin and Taylor, *British Columbia Practice* (2nd ed. 1979).

corresponding page numbers provides quick access to precise information required. The index at the back of the book goes some way to assist and would act as a complement to a chronological, detailed Table of Contents.

Another criticism along the same lines as the above is the mode of printing chosen for the book. Upon turning to the main body of the work, the dominant impression one receives is one of over-crowding. The margins are very narrow and the print is unusually small and light. There are no marginal notes (a luxury lawyers tend to take for granted) and very little paper devoted to spacing. The result is that it is often difficult to locate material and it is impossible to make any notations of one's own. I am sure those with less than 20/20 vision would appreciate some revisions in this area for the next edition.

In substance, the annotations are thorough, citing numerous authorities and references. This book provides more extensive annotations and references than does the Saskatchewan commentary<sup>2</sup> but is more cryptic in its discussion than the British Columbia Practice.<sup>3</sup> At times the cryptic descriptions become frustrating. Rather than discussing both sides of a contentious point of law, the authors have quite liberally sprinkled a large number of question marks throughout which, although they state the issue, are not particularly helpful. For example, in Part 3, Service of Documents, Rule 13(1) regarding service by mail, the authors state:

On whether an address for service continues after judgment and appeal, see *Lady de la Pole v. Dick* (CA 1885) 29 ChD 351 (yes?) and *Bagley v. Maple & Co.* (1911) 27 TLR 284, and Rr 24, 26 nn., *infra*.

#### In Rule 14 of the same Part:

Time for Service: a subsequent document may be served at any hour? Cf. *Priddee v. Cooper* (1822) 1 Bing 66, 130 ER 27, 8 ECLR 405. . . .

#### Again in Rule 15 of Part 3:

Is it enough to give the defendant's wife or agent the document at the defendant's request? cf. *Montgomery & Co. v. Liebenthal & Co.* (CA) [1898] 1 QB 487, a case of a contract naming an agent for service.

Although the sources cited are valuable and usually available in Court House libraries, it would be preferable if a more extensive elaboration of the principles were given. In the B.C. Practice for example, several paragraphs of discussion will often follow a particularly contentious rule, thus providing the lawyer with both sides of the argument.

I suspect that all of the above criticisms are related to the desire to keep this volume to a manageable size. However, the authors included 179 pages of forms, statutes and other Rules as Schedules, most of which are already reproduced in the Schedules of the Alberta Rules of Court. Either a more complete separate volume of applicable statutes and forms or an omission altogether of this part of the book would allow for a more comprehensive treatment of the law pertaining to the Rules.

One other suggestion for the second edition would be the adoption of a binder format which would allow practitioners to make their own additions and add expected supplementary material. If the forms are to stay

2. Bonita Rourke, *Annotated Rules of Court of Queen's Bench of the Province of Saskatchewan* (1976).

3. *Supra* n. 1.

in, it would be helpful if the different sections of the book were tabbed.

In spite of the above criticisms which are mostly mechanical in nature, the book is a very thorough and intelligently researched. The book is a must for every practitioner's library.

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