

Canada, de la Chambre des Lords et du Conseil Privé anglais, comme celles des autres Provinces canadiennes ont par conséquent été étudiées par l'auteur et constituent une importante source de documentation. Il est intéressant pour un avocat du "Common Law", de constater que les lois québécoises sur ce sujet ont des sources britanniques et que le Code Civil dépend d'interprétations judiciaires qui deviennent des précédents tout à fait semblables au système de jurisprudence anglaise.

Comme dans toute oeuvre légale, l'on n'est pas tenu de partager les conclusions de l'auteur, ni même d'admettre que ses recommandations soient les seules que découlent logiquement de son argumentation. Il n'en demeure pas moins que Me Dussault offre des solutions qui méritent d'être considérées soigneusement et que ses recherches lui permettent de rassembler en un volume toutes les sources de renseignement qui affectent le contrôle judiciaire des bureaux administratifs.

Il s'y trouve deux détails un peu agaçants: le parti-pris de l'auteur d'éviter l'emploi du mot "province" qui est pourtant celui que l'on trouve dans l'Acte de l'Amérique du Nord britannique, pour lui substituer la locution "Etat membre de la fédération canadienne"; la correction des épreuves paraît avoir été faite par une personne ne connaissant pas l'anglais. Tandis que la typographie française est à peu près parfaite, les passages anglais contiennent de nombreuses coquilles.

—A. M. DECHENE\*

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\* The Honourable Mr. Justice Andre M. Dechene, Justice of The Supreme Court of Alberta, Trial Division.

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CONTEMPORARY PROBLEMS OF PUBLIC LAW IN CANADA ESSAYS IN HONOUR OF DEAN F. C. CRONKITE. Edited by O. E. Lang: University of Toronto Press. 1968. Pp. 171. \$5.95.

No better testimony can be had to the quality of the College of Law of the University of Saskatchewan during the period when it was headed by Dean Cronkhite (1929 to 1961) than the eight contributors to this volume, who were his former students. Two are judges, two have been Deputy Ministers of Justice of Canada, two have themselves been Deans of Law (as is Dean Curtis who was on the editorial board), two are members of Parliament, one of whom (the editor) also being a Minister of the Crown, and six are or have been Professors of Law.

The first lecture "Foundations of Canadian Law in History and Theory", the substance of lectures given by President Jackett to students at Queen's University, traces with great clarity the development of the legal system in Canada with special reference to Ontario. Perhaps the best tribute I can pay to this essay is that it is one of the first assignments I give to my students of constitutional law.

This essay is followed by Professor Driedger's discussion of "The Canadian Bill of Rights". With the new life breathed into the Diefenbaker Bill of Rights by the recent Supreme Court of Canada decision in *Drybones*,<sup>1</sup> the essay is all the more timely. It subjects that Act to the precise analysis characteristic of a master legislative draftsman,

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<sup>1</sup> Not yet reported.

suggesting the various logical alternatives available in future interpretations of the Act. One of our major freedoms, "Freedom of the Press" is the subject of Professor Tollefson's contribution. In a thoughtful paper he suggests that both legally and politically, we should re-assess our attitudes about the subject. In particular he questions both the correctness and wisdom of the *Alberta Press Bill* case.<sup>2</sup> The major thrust of the Act held void in that case was that it permitted the provincial government to correct statements respecting that government's policy. Professor Tollefson's thesis is that thought-control by the press may be as dangerous as thought-control by the government.

Professor Strayer's essay is on "Crown Immunity and the Power of Judicial Review." He notes the displacement of Crown immunity in the *B.C. Power* case<sup>3</sup> to enable judicial review of legislation despite the surprisingly tenuous constitutional base for the doctrine of judicial review itself. Interestingly enough, Bickel has advanced very strong arguments that under the American constitution the doctrine of judicial review does not rest on as secure a foundation as one might have supposed.<sup>4</sup> The B.C. power controversy also forms the subject of Professor Lederman's article, "Legislative Power to Create Corporate Bodies and Public Monopolies in Canada." In his characteristically clear manner, he supports the correctness of Chief Justice Lett's finding that the provincial legislation for taking over the B.C. Power Corporation was *ultra vires*,<sup>5</sup> but he confines the operation of the case to very closely related situations. He does not read the judgment as operating broadly to prevent the provinces from entering into the public utilities field because these public utilities may by chance be owned by federally incorporated companies. In this he agrees with persons like myself who have expressed the view that the case was simply wrongly decided.

The remaining essays are not concerned so much with constitutional law as with other aspects of public law, though, here too, constitutional restraints play no inconsiderable role. Mr. Justice Woods reviews the courts' supervisory jurisdiction over administrative tribunals in terms of the Saskatchewan experience. Mr. Blair's "Combines: The Continuing Dilemma" not only gives an excellent short account of Canada's experience in the field, but makes important suggestions for the further development of the law on the subject. Mr. Lang's concluding essay presents some perceptive views on labour problems and provocative solutions for their resolution.

The book contains valuable studies in Canadian public law. It constitutes a fitting tribute to a man who did so much for legal education in his province to the benefit of all of Canada.

—G. V. LA FOREST\*

<sup>2</sup> *In the Matter of Those Bills Passed by the Legislative Assembly of the Province of Alberta at the 1937 (Third Session) thereof entitled respectively: "An Act Respecting the Taxation of Banks"; "An Act to Amend and Consolidate the Credit of Alberta Regulations Act"; and "An Act to Ensure the Publication of Accurate News and Information"* [1938] S.C.R. 100.

<sup>3</sup> *British Columbia Power Corporation v. British Columbia Electric Company* [1962] S.C.R. 642.

<sup>4</sup> Alexander M. Bickel, *The Least Dangerous Branch* (Indianapolis, N.Y., 1962), c. 1.

<sup>5</sup> *British Columbia Power Corporation v. Attorney-General of British Columbia et al* (1963) 44 W.W.R. 65.

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