various classifications of costs which we so often encounter. Many of us are not fully aware of the accepted definition of the terms that we so glibly employ. There is, however, an accepted distinction between "costs to a party in the cause" and "costs to a party in any event of the cause" and between "costs as between solicitor and client" and "costs as between solicitor and his own client". The common expressions are all defined as are the basic principles of entitlement to costs.

Moreover it should be pointed out that the author does not often fall into the error so commonly encountered in Canadian textbooks of using what one must call "the abridgment" principle which usually results in the enunciation of the rule followed, perhaps not immediately, by numerous qualifications and sometimes by flat contradictions. While one has to read the full section in Orkin in order to pick up all of the exceptions and modifications the author seems to have avoided this disease typical to Canadian textbooks.

The book does not purport to be and is not a primer on the preparation of solicitor and client accounts. It does, however, undoubtedly fill a need and should find its way onto the shelves of those practitioners with any volume of litigation.

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THE MIXED COURTS OF EGYPT. By Jasper Yeatles Brinton. Montreal: McGill University Press, 1968. Pp. xvi and 305. ($12.50).

At the present time, when the tendency among the States of the world is to condemn as neo-colonialism any attempt to confer special status on aliens, such institutions as *The Mixed Courts of Egypt* tend to be ignored in university courses, or to be regarded as nothing more than an historic curiosity to be mentioned apologetically and *en passant.*

In fact the capitulatory courts in Egypt had a major role to play in assisting that State to become the important commercial and trading centre that it did after 1876. Until their abolition in 1949 they offered the foreigner, trader and resident alike the guarantee that his legal rights would be protected not in accordance with the vagaries of the local law or the special provisions, which he would probably reject, of the Koran; but in the light of the European juridical and commercial traditions to which he was accustomed.

Dr. Brinton, a citizen of the United States, who was himself a Judge of the Mixed Courts from 1921-1948, and President of the Court of Appeals from 1943 to 1948, has written what must be regarded as the history and the epitaph of this unique institution, which in its heyday, dealing with well nigh every case involving a foreigner, issued anything up to 40,000 written opinions a year.

In view of the strains and stresses that now exist between Egypt and Israel involving allegations of ill-treatment of its Jewish residents by the Egyptian Government, it is perhaps as well that Judge Brinton calls attention to an early Claudian papyrus addressed to the citizens of Alexandria, in which the Emperor deplores the feuds, "or rather,

if the truth must be told, the war" between the Alexandrians and the Jews, "wherefore I conjure you yet once again that you show yourselves forbearing and kindly towards the Jews and permit them to observe their customs as in the time of the Divine Augustus, which customs I also . . . have solemnly confirmed." It is also interesting to be reminded of the fact that long before Magna Carta and the Statute of the Staple guaranteed the rights of merchants in England, Egypt was recognizing the right of alien merchants to be governed by their own law and, though not always allowed to establish their own courts, the local judges were instructed to apply the foreign law to such foreigners.

Not only does Judge Brinton provide an account of the historical and diplomatic background of the Mixed Courts, he also explains how the judges were selected, and, as if providing a lesson for later international tribunals, reminds us that they did not come merely from the capitulation countries, but included such neutrals as the Swiss. In addition to interesting chapters on the Courts' jurisdiction and their judicial organization, there is a fascinating account of the law that they applied. Those who consider the task of the Privy Council when faced with overseas law as difficult, might ponder on the problem of a bench who, by their Charter, were charged, 'in the exercise of their jurisdiction in civil and commercial matters, and within the limits of the jurisdiction conferred upon them in penal matters, [to] apply the codes presented by Egypt to the Powers, and in case of silence, insufficiency, and obscurity of the law, the judge shall follow the principles of natural law and equity.' The situation was saved, somewhat, by the fact that these codes were prepared on Egypt's behalf by a single French lawyer, and were based on the French Codes—and the reaction of an Anglo-Saxon judge to this type of situation is well brought out by Judge Brinton at page 93; while the way in which the *jurisprudence constante* was developed in order to serve the needs of a commercial community is explained in the following paragraphs.

In the Egypt of the monarchy, the Mixed Courts were not the only special tribunals in operation. In addition, there were the Native Courts, which were the national courts of the people; the Moslem Religious Courts of personal status; the Religious Courts of the non-Moslem Egyptian communities, the Copts, Jews, Maronites, Caraites, Syrians and the like, with the decrees of their religious courts being enforced by the Egyptian authorities; and the Consular Courts, the right to maintain which, in another Moslem area, was considered by the International Court of Justice in its decision concerning *U.S. Nationals in Morocco.*

The entering into force of the Montreux Convention introduced a new era for the Mixed Courts. In the first place, Egyptianisation of the bench was envisaged, the jurisdiction of the Consular Courts was handed over, while the scope of the Courts' activity was now limited by the provision that, subject to the principle of international law, foreigners were to be 'subject to Egyptian legislation in criminal, civil, commercial, administrative, fiscal and other matters.' This meant that the Mixed Courts were no longer applying their own system of law, but now constituted special tribunals applying local law to for-

eigners. Thus there began in 1936 the transition period which gave way to the complete disappearance from Egypt of any trace of special judicial rights for aliens, culminating in the closure of the Mixed Courts in 1949.

The lesson that Judge Brinton draws from his historical survey of *The Mixed Courts in Egypt* is that foreign judges must regard themselves, as did this bench, as servants of the local sovereign; they must receive full cooperation from the local authorities; they must receive an adequate salary; they must be guaranteed full security and dignity—Judge Brinton served for 27 years; and they must not expect to, nor in fact receive, preferential rights compared with their local colleagues. In his view, ". . . it seems fair to conclude that the example of the Mixed Courts may still give encouragement to those who are seeking to strengthen and extend the Rule of Law among the nations of the world."

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LAW IN A CHANGING AMERICA, An American Assembly Book, Edited by Geoffrey C. Hazard, Jr., Englewood, N. J.: Prentice-Hall, Inc., 1968. Pp. xiii and 207.

The American Assembly is a national, non-partisan educational institution, which holds meetings of national leaders and publishes books with the avowed objective of illuminating issues of United States policy. The Trustees are prominent Americans (some, but not all, lawyers) and the subjects of studies of the Assemblies have varied widely from American agriculture to Outer Space. In 1968, one of the subjects of study was law in a changing America and this book consists of twelve papers prepared for advance background reading for participants at the meeting of the Assembly held on March 14, 1968, at Chicago.

Considering the nature of the study and the purposes for which the papers were prepared, it is not surprising that this book does not fit into the usual category of legal text book. The reader is not likely to find statements of law to cite in legal argument; however, he will find some thought provoking criticisms concerning the inadequacies of the services rendered to society by the profession and some rather startling suggestions for the improvement of such services. The book attempts to measure the role of the lawyer in American society, to outline the problems facing the legal profession in the next few years, and to advocate changes in the profession which will enable it to meet the increasingly complex demands of contemporary life.

It is not possible, of course, to deal in this review with each of the papers produced in the book, although some of the papers which the reviewer especially enjoyed and considers to be of particular interest to the Canadian bar are later discussed. As a generalization, however, it is safe to say that the authors of the papers tend to emphasize the role of lawyers as social engineers to an extent much greater than the everyday practitioner is likely to assume his practice entails. Moreover, as one may perhaps expect in a book dealing with American