

PRECEDENTS IN PRACTICE. By W. B. Williston, Q.C., Toronto: Butterworths, 1965. \$18.50.

This fine book is a collection of forms which will be welcomed by the legal profession throughout Canada. Originally prepared for the Bar Admission course of the Law Society of Upper Canada the forms cover, in one volume, all aspects of litigation from the commencement of proceedings to appeals to the Supreme Court of Canada.

In his preface, Mr. Williston states that the book was written for students and that the forms contain more detail than would be necessary in a book written primarily for the profession. He goes on: "To illustrate practice to students, however, it is not sufficient for forms to provide merely 'Here state the material facts.' Students must be shown examples of facts which are material." The writer suspects that Mr. Williston, perhaps by reason of his own very considerable experience and standing at the Bar, has overestimated the capacity of the Bar in general to determine what matters must be dealt with in many court documents, and that the profession will welcome every bit as much as students the completeness and detail of the forms.

The writer has had occasion to consult Mr. Williston's book frequently since its publication, and has already found that the variety and number of forms contained in the book surpasses any other Canadian publication with which the writer is familiar. The book promises to be a helpful adjunct to any litigious practice, not only because of the number and variety of the forms but also because of the completeness of the individual forms. For example, Chapter 59 contains forms used on appeals to the Supreme Court of Canada. For the practitioner who faces an appearance in the Supreme Court of Canada relatively infrequently, a set of forms containing the detail found in Mr. Williston's forms is at least as useful for indicating the content of documents as the form of the documents.

The breadth of subject matter covered by the forms can be appreciated by scanning the Part and Chapter headings. Part I, Commencement of Proceedings, begins with a chapter dealing with the employment of solicitors. There are additional Chapters in that Part covering proceedings before action, Writs of Summons, Appearances, Guardians *ad Litem*, proceedings in default of defence and motions for judgment. The book then proceeds through Part II, Particular Proceedings in Actions, and Part III, Discovery and Evidence. Part IV is entitled, Interim Proceedings for Preservation of Rights *Pendente Lite*, and deals with originating motions, embracing various aspects of will and estate practice, infants, mental incompetance, proceedings under the Insurance Act, payment out of court and stop orders. There follow parts covering extraordinary remedies, the prerogative writs, judgments and orders, costs, appeals, and finally actions by and against the Crown.

The writer has found within these broad classifications, that almost without exception when consulted the work has yielded forms directly covering or easily adaptable to particular situations. For example, it has been found very helpful on matters relating to appointments of receivers and receiver-managers, injunctions and prerogative writs. Location of particular forms is made convenient by the provision first

of a general Table of Contents listing the contents by Part and Chapter, there being 62 Chapters in all, then a comprehensive Table of Forms listing the forms under Part, Chapter and individual form number and page. In addition, there is a reasonably comprehensive Index referring to forms by page number.

To the extent that the book has failings or limitations, they seem to result mainly from the fact that the forms are based on Ontario statutes, rules and practice, and may not always be suitable in other Provinces. Because of the selection and completeness of the forms included, however, this limitation on the usefulness of the book elsewhere is much less serious than might be expected. The vast majority of the forms will be useful to practitioners throughout the common law Provinces.

Members of the profession in Alberta may find that the chapters dealing with the Commencement of Proceedings are of somewhat less value than other parts of the book because, although the Writ of Summons and endorsements thereon are extensively dealt with, there are no Statements of Claim. This is not apt to be a very serious limitation to the Alberta practitioner, but students in this jurisdiction may find it more so. Chapters dealing with the Ontario Vendors and Purchasers Act and "Removing Building Restrictions" are examples of other areas of the book largely limited to Ontario practice. An additional limitation is the absence of any summaries, extracts or explanation of rules of law or practice which are found in some of the standard English books of court forms. Mr. Williston's work does not purport to include such material, which is beyond the scope intended to be covered.

On the whole, the material contained in this book will be of great help to the profession and students across Canada. The Law Society of Upper Canada, Mr. Williston, and all those involved in the publishing of *Precedents in Practice* are to be commended for having made available to practitioners and students, the best set of court forms yet published in this country.

—JAMES E. REDMOND\*

---

\* Member of the Alberta Bar.

---

THE AMERICAN JOURNAL OF COMPARATIVE LAW READER. Edited by Hessel E. Yntema, 1966. Dobbs Ferry: Oceana. xvi and 495 pp. \$10.00.

This volume of materials from the *American Journal of Comparative Law* is the first of a series edited by Professor Yntema and is devoted to The Rule of Law, examines from the standpoint of human rights; constitutional review and legality; and the European Communities, looked at in their institutional aspects, as well as from the point of view of legal remedies and the integration of laws. There is, however, some measure of overlap, and Dr. Robertson's paper on 'the European Court of Human Rights' appears in Part One of the Rule of Law, and not in the section on the Communities, where he does have a paper on 'Different Approaches to European Unity.'

The papers in each section tend to form a perfect whole, and those who are interested in human rights, for example, must be grateful to