

"environment" or "pollution". This is obviously a reflection of the fact that, by and large, this problem is not one that has occupied a great deal of legislative and law-making time. Up to now, it has often been taken for granted that the only real difficulty is in finding the water supply. Once found it will satisfy the many uses demanded of it. Nonetheless, there is a growing body of law, at least on this continent, under which substantive rights to surface and groundwater depend, in part, on environmental considerations. This development ought to have found a much greater place in the book.

This is the most comprehensive comparative study that I know of in the field of water resources. One would hope that if a similar study is undertaken ten years hence, the environmental questions would receive extensive treatment and a place in the index.

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### AESOP IN THE COURTS.

By Aron Steuer. New York: Meilen Press Inc. 1971. Pp. 388.

This collection of over one hundred fables is a reprint of accounts of apocryphal episodes involving lawyers that appeared as a series in the *New York Law Journal*, starting in 1964. The author remained anonymous for several years until his identity was revealed to be Associate Justice Steuer of the Appellate Division of the New York Supreme Court.

I recommend the book as highly entertaining and beautifully written. Each fable is written in such a whimsical and crisp style—few are over two pages in length—that it was a difficult book to put down and will provide a constant source of enjoyment in the future. One of the intriguing qualities of the book is that, as with all fables, there is a moral, which in this case the author expressly provides, but usually in such elliptic terms that the reader is very much left to his own devices in gleaning any deeper message.

Much of the humor is droll. For example, the first fable in the book entitled "The Assault Case and the Survivor of a Past Era" concerns the "brawny but generally peaceful citizen [who] began to lose the latter characteristic" when, for the fourth time that evening, a young man rang the bell to that citizen's rooming house and asked for a non-existent tenant named Tillie. Soon the citizen forceably ejected the young man from the premises, for which action he was sued. Eventually "an ancient relic of the Bar . . . attired in a wing collar, a massive linked watch chain and carrying a dull-headed cane" rose to defend him:

'Your Honor,' he said, 'my client is seized of realty, his tenure being in the nature of a hereditament, pursuant to laws of Henry VI, chapters 18 through 22, re-enacted to Laws of George II, chapters 7 and 8, and adopted in this state by the Constitution of 1804, section 3. While possibly not in the position to plead a defense of *quare clausum fregit* in the classical sense of *Poindexter v. Bolingbroke* 2 Weeks 149, or more conveniently to be found in the re-print, 14 Appeals Cases 196, and confirmed in this country in the *Colchester* case—which I believed is to be found in the seventh Cranch—this possibility is not to be ruled out summarily; it will bear examination, as the memorable dictum in the *Hollingsworth* case in 4 Barbour's Chancery cases in-

dicates. In any event, dismissal is more than indicated, it is mandated by the failure to overcome the principle of *maliter manu* which has always been the law of this state, as stated in Thorncroft's Law of Real Property, the third edition.'

The judge then asked the plaintiff's counsel what he had to say. "I don't know what he is talking about", came the reply. "In that case", said the judge, noting privately that it was 4:05 P.M., "complaint dismissed." The moral? "All things are simple when you know how". Another similar fable ends with the moral that "In the country of the blind, the one-eyed man is king".

Another fable that I found particularly amusing was that concerning "a very distinguished lawyer" who, in showing his concern for his son's lack of academic progress in his college, discovered that the logic professor had set a very good test obtained from an economics professor who was now on leave of absence serving on the National Committee of Economic Advisers to the President in Washington. The lawyer later met the economics professor in Washington, and this professor admitted that the source of his inspiration was to be found in the mathematical writings of the Reverend Charles Dodgson—Lewis Carroll of 'Alice in Wonderland' fame—whose philosophy, the professor added, he greatly admired. The fable concludes that "A great light burst upon the lawyer". Although he hadn't solved his son's problems, "he now had an insight into a far more abstruse proposition, namely, what was behind the express policies of the administration in an important and particular field".

Many of the anecdotes are brutally ironic and tongue in cheek but reveal the author's concern for justice. Amongst these is the fable of "The Remarkable Talent of The Calendar Judge". A judge of another beleaguered jurisdiction was sent to observe the well-known wizardry of this judge in reducing the size of the docket. His genius was to get the Clerk to announce "in stentorian turns that all witnesses would leave the room". The visiting judge was bewildered and distressed by this manoeuvre, protesting that it caused unnecessary delay and confusion. The docket court judge replied that "I am never troubled by what you suggest because I never bring them back".

Other fables concern the discharge of the very poor uncle for disorderly conduct in Central Park and the sending of the very rich uncle for similar conduct in the same park to a private home for the care of the mentally ill, and the total lack of practical effect in removing the criminal sanction for drunkenness and replacing it by a procedure which resulted in compulsory drying out and compulsory bathing in the same building, which now contained a plaque describing it as a hospital.

There is little doubt that the author is very much opposed to pretrial constitutional protections in criminal law. Several fables are on this theme, including one that ends "It is better, constitutionally, that we should live in fear of criminals than in fear of the police, though nobody has explained just why". This aspect of the book is disappointing, since this reviewer is staunchly committed to the contrary position, and somehow the fables lacked a sufficiently sensitive portrayal of the misery, severity and futility that characterizes so much of the criminal justice system, especially at the lower trial level.

However, the author's humor wins through. Mr. Simboranorinyang Ita, a constitutional draftsman for a newly independent African country (whose first name meant "He who would talk a lion to death") was

observing, with some language difficulty, a United States murder trial in which a robber was alleged to have shot and killed a resisting victim. The accused was acquitted on the basis that the evidence rested on a confession that had been obtained without the necessary police warning. Mr. Ita asked a policeman why the accused had been discharged and received the curt reply "Miranda". This further puzzled and perturbed Mr. Ita. Later that same day his hostess, the wife of a United States lawyer, introduced herself to him as "Miranda". "A look of consternation spread over Mr. Ita's countenance and he rushed from the room. Shortly afterward he terminated his visit and she noted that whenever his eyes rested upon her his expression was one of transcendent awe". On returning to his country only Mr. Ita's closest friends learned that in the United States "a certain inexplicable matriarchal influence pervaded the administration of what was called justice, which made it completely unsuitable as a model for a virgin country". The moral? "Beware of labels".

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