be justified by any consideration of public interest in view of the fact that so many persons arrested were subsequently released on bail. The utility of a money deposit to secure attendance at trial was convincingly doubted. The widespread use of the power of arrest was seen as a "gratuitous affront to the legal presumption of innocence."[3]

Other findings are at least as important, often surprising, and the conclusions are as well founded.

In conclusion, the Trust reports:[4]

> What the survey has conveyed . . . is a picture of the daily grinding down of accused human beings—not through the brutal violation of their bodies, but through the piecemeal diminution of their dignity. Our system can be characterized by its plethora of cursory trials, defenceless interrogations, needless detentions, and inadequate facilities.

The undeniable specifics of this grinding down process are to be found in the Trust report.

—R. M. MEWBURN*

[3] *Id.* at 45.

[4] *Id.* at 48.

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LAW OF CIVIL PROCEDURE. By Williston and Rolls. Toronto: Butterworth. 1969. Pp. 1200. $70.00.

Williston and Rolls' *Law of Civil Procedure,* the first Canadian textbook on the subject, is a welcome publication.

Published in two volumes, it is handsomely bound and well indexed. The authors cover all the main subjects of Civil Procedure from Jurisdiction through to Judgment. It does not deal with the conduct of a trial, and there is only a summary treatment of the enforcement of judgments.

It is, indeed, a useful textbook, but the publishers certainly seem to have misjudged the market. It is expressed to be written primarily for students, but the cost alone ($70.00) precludes its recommendation to students. There is not even a paperback edition for regular sale and, if there were, at the current rate of discount for paperback productions, even that product would be too expensive. The fact that it is Ontario Civil Procedure is an additional factor which will limit its use outside of that province. While the authors do not purport to be stating the "Canadian Law of Civil Procedure", the publishers are promoting the book as one that is "national in scope". While the similarity of procedure from province to province does make the book useful to the student outside of Ontario, the sparsity of material used from outside of Ontario and England belies any claim to national authority. Indeed, a practitioner in Western Canada who relied upon it as being authoritative would soon find himself in considerable difficulty. The book is of a quality which would no doubt recommend itself to the Ontario practitioner. However, the Ontario practitioner who is going to buy an expensive book on procedure is likely to go all the way and buy

the much more authoritative Holmstead and Gale (which is only $150.00).

It is unfortunate that a reviewer has to dwell on a publication's cost, but Canadian law books are extremely high priced, and one wonders whether more could not be done to reduce the cost. In the case of this book, for example, the index is produced in large type, in a single column per page, and occupies 140 pages (or eight times the number of pages devoted to the index in the latest *Salmond on Torts*). Moreover, roughly fifty per cent of the text is quotation. The authors are careful to point out that they have chosen to use extensive quotations to acquaint students "with the lore, integrity and the beautiful use of the English language which is to be found in the writings of our judges". I would suggest that this desire has to be weighed against the value of the exercise and the dangers inherent in using glue and scissors in a textbook.

The book is based on lectures given by the authors in the course of the conduct of the Ontario Bar Admission Course. It is an impressive testimonial to the quality of that programme, and gives us some appreciation of the scope of that programme. The text would do justice to a Law School Civil Procedure Course.

The discussion of the English and Ontario authorities will be of considerable interest to the Alberta readers. They will also find interest in the discussion of *Cahoon* v. *Franks*.[1] The authors not only criticise this decision but point out the grave difficulties which follow from an application of the decision, which held that a claim for personal injuries and damage to property was a single cause of action for the purposes of amendment. It is pointed out that the consequence of that case is that pursuing separate claims for motor vehicle damage and personal injuries will result in the application of the doctrine of *res judicata,* if one of the actions is merged in a judgment. The decision produces a very difficult problem to both the insurer and the insured in motor vehicle accident claims. There is a useful discussion of discovery, although the Alberta practitioner will have to watch out for our own authorities and practice. There is a rather misleading reference to cross-examination in discovery, in which the suggestion appears that Alberta does not permit examination for discovery to be used as a cross-examination. This would be contrary to an extensive body of Alberta authority.[2] Another particularly interesting point which does not appear to have been the subject of any reported Alberta cases arises in the discussion of the defendant's right to use discovery when the plaintiff has given evidence. In an extract from a trial decision of Gale (now C.J.O.), the authors show the Ontario position to be that the defendant may not read in discovery where the plaintiff has given evidence. From a practical point of view, this does not often arise in Alberta because by and large the important questions would have been put to the plaintiff in cross-examination. However, defendants do sometimes put in discovery notwithstanding the fact that they have examined the plaintiff, or at least had an opportunity to cross-examine him.

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[1] [1967] S.C.R. 455.

[2] *e.g. Ross* v. *Scarlett*, [1946] 3 W.W.R. 553.

The book is a useful contribution to legal literature in this country. It will be of considerable use to the Alberta practitioner in discovering Ontario, and often English, authorities on practice points. It is of use to the student in giving a narrative of the principles and application of most of the basic rules of practice.

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