

and similar documents, textbooks, law reviews, even, in one instance, *i.e.*, at 438, gossip (though, presumably, well-founded gossip). The result is a work that can be thoroughly recommended to anyone who is interested, in whatsoever capacity, in finding out the present state of the law of negligence in Canada.

—G. H. L. FRIDMAN*

*Dean of the Faculty of Law, The University of Alberta, Edmonton.

SUBSTANTIAL JUSTICE: LAW AND LAWYERS IN MANITOBA 1670 - 1970.

By Dale and Lee Gibson. Winnipeg, Manitoba: Peguis Publishers. 1972. Pp. 357.

Substantial Justice, as its title indicates, covers the development of legal institutions and the legal profession in Manitoba during the period from 1670 to 1970. The original intent of the volume was to provide a history of Manitoba's law and lawyers for the province's 1970 centenary. As such, it appeared two years late. The richness and scope of the final product have made it well worth the wait.

In tracing the growth of the law in Manitoba from its primitive beginnings under the Hudson's Bay Company to its present stature, the authors have done great service to the infant cause of Legal History in the Canadian West. Several particularly fascinating historical and legal problems are examined in the book. How could the Hudson's Bay Company perform both as a trading concern and as an arbiter of justice? Are justice and profit poor bedfellows? How is the native population to be dealt with by the white man's legal system? What was the fate of earlier bilingual experiments in Manitoba?

As well as these and other particular problems, *Substantial Justice* provides an examination of the legal processes inherent in the peaceful development of the frontier into a complex modern society and lays bare many of the difficulties and stresses which arise in the process.

The interest of the book lies not only in its treatment of these questions of a more general concern, but also in the way in which a vast storehouse of anecdotic material is set forth. This material is of two types. The first includes a look at the events which have shaped the province of Manitoba, many of which have had a national impact. These include the Riel Rebellion, the Manitoba Schools question and the Winnipeg General Strike. The authors also discuss in a richness of detail the many fascinating trials and court battles which occurred during this period. The second includes biographical sketches of most of the era's colourful and controversial lawyers. The personalities of such legal giants as Adams Archibald, Henry J. Clarke, Edmund Burke Wood and numerous others breathe life into the book. Indeed, one might say that Manitoba lawyers make a far more interesting subject matter than the law.

The book deals also with the development of such legal institutions as the Law Society, the Bench and the institutions of legal education in some detail. It is notable in this connection that many of the problems facing lawyers and legal educators today were encountered or foreshadowed in earlier times. For instance, younger members of the legal

profession might not be aware that the present difficulties in placing large numbers of articling students were encountered at least once before in Manitoba, immediately after the war, when the problem was faced by holding special practice classes.

Substantial Justice contains much interesting information about the legal profession over the years. For example, present day advocates of women's rights can look with pride to the story of Miss Melrose Sissons: when her application for admission as a law student was turned down in 1911 on the ground that the word "person" in the Law Society Act did not include females, she promptly sought, successfully, to have the Act amended to correct this situation.

Manitoba lacks the bar which traditionally separates Queen's Counsel from Junior Counsel. This difference from the practice in other provinces is seen to be the result of decisive action taken by one of Manitoba's prominent lawyers. Another interesting aspect of the book is that it shows how the debate over the existence of the Queen's Counsel designation itself has raged over the years and looks at some of the various solutions which have been suggested to the problem.

If one is interested in history, personality, law or lawyers, then he cannot help but find *Substantial Justice* interesting and informative.

—J. P. LORDON*

*Assistant Professor, Faculty of Law, The University of Alberta, Edmonton.

ABSTRACTION AND USE OF WATER: A COMPARISON OF LEGAL REGIMES.

By Ludwik A. Teclaff. Prepared for the United Nations Department of Economic & Social Affairs, Doc. No. ST/ECA/154. 1972. Pp. iv and 254. \$5.50.

"Water, water everywhere. And not a drop to drink." For some people, even in the world's most technologically developed nations, this ancient cry is not a figment of the imagination. The problem is upon us. We face two pressures upon this all-important resource—on the one hand, the increasing population and increasing industrial demands are placing severe pressure on the existing supplies of water; on the other hand, water pollution is degrading some of the supplies to the extent that only lower order uses can still be made of the water. Pursuant to Resolution 1033D (XXXVII) of the UN Economic and Social Council, the UN has undertaken to assist States in the development of their legal regimes concerning the abstraction and use of water.

In this book, Professor Teclaff has catalogued the various legal techniques employed in the rational control of water use. He compares the law in some 58 States, covering their approach to the substantive rights persons can have in surface and ground-water, the hierarchy of uses, water-supply organization, and governmental apparatus for administrative control. It's a prodigious effort, and well-documented.

One gaping hole is the absence of any real treatment of the problem of water pollution. In fact, in an extensive index, there is no place for