

of the material precludes a detailed study of these matters. Rather, the book provides a general survey of the factors contributing to the judicial process, particularly as it operates in the United States.

The book is designed primarily for students of Political Science. The bulk of the book describes the American system, but the author introduces comparisons with the legal systems of England, France, and to a lesser extent, other European countries. It therefore affords an informative basis for comparison of the Canadian process with that of the countries dealt with by the author.

Of particular interest is Professor Abraham's discussion of judicial legislating, and the limitations on judicial discretion. The author states the views of several learned and experienced men, including Mr. Justice Cardozo and Mr. Justice Frankfurter, and explains the arguments both for and against stronger judicial power, leaving the reader to determine for himself "the line between judicial will and judicial judgment".

Another section of the book of particular interest to Canadian legal readers is that dealing with the two chief methods of selecting judges—appointment and election—again particularly as applicable to the United States. After discussing the pitfalls and advantages of each of the methods, Professor Abraham discusses the compromise adopted by the States of California, Missouri, Alaska and Kansas. The method used in those states is temporary appointment, subsequently confirmed by election.

The author's task was a difficult one: to explain to laymen the highly complicated system of law under which they live. In this reviewer's opinion, Professor Abraham has most adequately fulfilled this purpose.

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LAUGHTER AT LAW

By STANLEY JACKSON. London: Arthur Barker Limited.
1961. Pp. 171.

Anyone acquainted with lawyers for any length of time has come to realize that the legal anecdote is a timeless form of wit, perpetually retold and distorted to fit different names and situations. What is proffered as a brand new story may have had a life span as long as the common law itself.

In this anthology of amusing stories on the lighter side of law, from the bench, the bar, and the witness box, Stanley Jackson does not pretend to be unveiling a treasurehouse of *new* tales. Many, such as that of the Master of the Rolls who said, despairingly, to counsel:

"Really, Mr. Smith . . . do give this court credit for some little intelligence,"
only to receive the reply:

"That is the mistake I made in the court below, my lord."

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have been retold, often with local settings, wherever lawyers gather. Mr. Jackson has attempted a reconciliation between the original story and its true author, giving credit where it is due.

But the age of the anecdotes does not detract from their charm. There is continuing delight in moss-covered stories like that of the conscientious solicitor who, after winning a hard-fought case decided to wire the good news to his client who had been prevented by illness from attending and might be anxious as to the result:

"Justice has triumphed", he cabled crisply.
He did not quite expect the reply, "Appeal at once."

Author Jackson seems to delight in tales of the daring practitioner of legal "one-up-man-ship", who outmaneuvers the judge himself. Typical is the story of counsel for the plaintiff in a breach of promise action who was arguing that the defendant had taken the injured lady to look over a house:

This, he pleaded, was surely evidence that he had proposed marriage.
"That's no corroboration", said the judge, Lord Esher, testily.
"Do you not know that gentlemen take houses for their mistresses?"
"I was not aware of it", said the young man.
"I can hardly believe that", laughed the judge, "but you can take it from me that they do."
"I bow to your lordship's superior knowledge", said counsel.

However, there are also a number of stories showing the shoe on the other foot. For example, we see the Lord Advocate of Scotland addressing the Court in Edinburgh:

"Suppose, for example, milord, I were to see you going into a public house . . ."
"Coming", corrected the judge with a smile.

This book presents the man of law, student, lawyer or judge, with the spice that makes for scintillating legal shop talk. It will be of particular delight to law students, whose first impression of the law might be an austere one. The author has not neglected them in his anthology:

One young Bar student started off a little uncertainly on the road to fame and fortune. At the "viva" for his final examination, he was asked what were the conditions necessary to render a marriage valid in Scotland.

He pondered deeply, and dredged the following reply from a slightly muddy pool of knowledge: "For a marriage to be valid in Scotland, it is absolutely necessary that it should be consummated in the presence of two policemen."

While the stories are not new, new generations will applaud their retelling.

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