

## BOOK REVIEWS

CANADIAN BUILDING CONTRACTS. By I. Goldsmith. Toronto: The Carswell Co. Ltd. 1968. Pp. xxxv, 216. \$13.75.

"It has been my aim to make this book, like the old-fashioned ladies' skirt, short enough to be interesting—for those, not necessarily involved in the legal profession, who are sufficiently concerned to want to have a reasonably concise statement of the applicable law; but long enough to cover the subject—for those who require a more detailed and extensive treatment of the various legal problems that arise, and for whose benefit fairly extensive footnotes have been provided" (pp. vi-vii). The author, also editor of the section on "Building Contracts" in the *Canadian Abridgment* (2d edition), has done just that. Without frills and discussion of the intricate legal problems which can crop up, he has given us a very readable, brief statement of the law which applies to the creation and performance of building contracts. He includes chapters on relationship of the parties (*e.g.*, owner vis-à-vis subcontractor, prime contractor vis-à-vis sub-subcontractor), position of architects and engineers, bid, performance and payment bonds, arbitration, and mechanics liens.

There is a great need for a book of this type in Canada. Construction projects have reached such a size that legal mistakes can ruin even the largest of firms. For instance, failure to provide for some means of dispute settlement while construction is going on may mean either the termination of the project or the assumption of many extra obligations by the contractor—in either case, a very costly, damaging situation. Yet our construction industry is dreadfully unaware of the legal risks involved in their business. Failure to take these risks into account may spell disaster for an unfortunate owner or contractor. There is a hesitancy to take the necessary care needed to protect legal rights: ensuring that the terms of the contract are suitable, that forms read as they should before being signed, and so on. Only too often the lawyer is not consulted until it is too late and irreparable damage has occurred. This book should be read by all laymen involved in the creation and performance of building contracts. If it serves to help them better evaluate the risks involved in their contract, it serves well.

One area which is not dealt with in the book, but which should be included in a later edition, is the field of liability in tort to third parties and employees on the construction site. Here again, the industry is painfully unaware of its duty to protect persons from harm with the consequent taking of enormous risks by improper safety precautions.

Insofar as the production of the book is concerned, it is very good: the table of contents is broken down in small enough units to be most useful;

the extensive footnotes will lead a lawyer or interested laymen to much useful additional material and the index is very adequate.

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CANADIAN CRIMINAL PROCEDURE. By Roger E. Salhany. Toronto: Canada Law Book Co. 1968. Pp. liv, 288. Appendix of Forms. Index. \$13.75.

The author has done a commendable job of bringing together the material essential to a work of this kind and organizing it in a readily comprehensible manner. The work should do much to discourage those who in Francis Bacon's words:

[M]ay be accounted the left hands of courts; persons that are full of nimble and sinister tricks and shifts, whereby they pervert the plain and direct course of courts, and bring justice into oblique lines and labyrinths.

For those unfamiliar with the procedure of Canadian criminal courts and who wish to gain some familiarity this book will become an obvious starting point. This means its use by all Canadian law students, a great many lawyers, and those involved in criminal justice administration. The book should also be found in every teaching institution where there is some interest in comparative criminal law and procedure. It is hoped that the publishers will take such steps as may be necessary to bring this about.

The topics dealt with are: classification of offences, jurisdiction, arrest and seizure of property, bail, preliminary inquiry, trial on indictment, summary conviction proceedings, sentencing, appeals, and extraordinary remedies. There is a useful appendix of forms. The reader's attention has been drawn in this edition to those areas of procedure which may be altered by the amendments to the Criminal Code. These areas are not many at present. However, it is likely that this work will, by virtue of its existence, stimulate debate and hopefully some major changes in the forms of Canadian criminal procedure.

While Mr. Salhany is an Ontario lawyer, his contribution has not been distorted by this, and Canadian lawyers in every province will find the material extremely valuable.

One criticism which should in no way be considered as detracting from the merits of the book might be mentioned. It relates to the discussion in Chapter 8 of the general aspects of sentencing. This discussion is much too sketchy to be of real value and probably should be omitted in future editions which will no doubt be forthcoming.

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