

## Book Reviews

*International Maritime Law* by PLINIO MANCA, Published by European Transport Law, Antwerp, Belgium 1970-1971, 3 Volumes — \$18.00 per Volume.

Essays in the domain of maritime law, both as concerns international law and national regulations, are undoubtedly numerous but the work by Plinio Manca deserves a special place among them for its great merit of offering a complete picture of the international laws applicable to this specialized field. It is indeed the first time that a task of this kind has been undertaken by an Italian scholar and for those cognizant of the difficulties connected with the subject, the goal was no easy one. A critical approach was needed together with a capacity for analysis and synthesis in order to extract from each text of law the essence of the law itself which constitutes the philosophy of the subject. Plinio Manca, a well known authority as well as an eminent lawyer and Professor at the Genoa University, has undertaken the task and conducted the work in a masterly fashion as the books themselves amply demonstrate.

The first volume discusses the institutional and legal framework of all the situations centering in the ship. Attention is consequently devoted to conventions on territorial waters, ships and shipowners, shipping agents and finally work contracts with the crew. Several of these topics have not been dealt with in international conventions; they are nevertheless treated here together with the other subjects with great command and profound knowledge.

Volume two deals with contracts for the employment of ships (hire, affreightment), the carriage of passengers and goods and lastly international combined transport. The latter subject is still under discussion at an international level after the attempt made to bring in the air transport industry which had not previously participated in the discussions.

The third volume is devoted to contribution to general average, collisions, damages and interest in collision cases, rules to avoid collisions, assistance and salvage, marine insurance, Lloyds, P. & I. Clubs, mortgages and liens; the last part of the volume regards the foreign arbitration, on the basis of the Geneva Convention of 1923 and 1927 and the New York Convention of 1958.

The analysis is by no means confined to internationally recognized conventions but covers also projects of conventions and other

unsettled matters where the author's contribution is indeed substantial and invaluable.

The work is moreover well documented containing useful cross references to all the subjects discussed. Particularly valuable is the reference to the minutes of the international conferences of the Comité Maritime International and the Brussels Diplomatic Conferences which the author attended and where recognition was given to his outstanding merits.

Lawyers, scholars and all persons connected with international maritime transportation will be grateful to Professor Plinio Manca for his important contribution to the unification of maritime law and related subjects. All will find these books most helpful, written as they are by a master in his chosen field.

Giuseppe GUERRERI \*

---

---

\* LL.M., with the firm of Guerreri-Dagna in Rome, Italy.

*Digest of Cases and Materials on the Divorce Act, 1968* by JULIEN D. PAYNE, Vol. I, pp. xxxiii, 215 (March 1970); Supplement I, pp. xl, 214 (October 1970). The author, Faculty of Law, University of Alberta, Edmonton, Alta. \$30.00.

The author, professor of Family Law in the Faculty of Law at the University of Alberta and already remarkable for the volume of his doctrinal comment on divorce and family law matters in general, has endeavoured to meet an evident need created by the 1968 reform of the law on divorce. The broadening of the grounds for divorce and the fact that it is now a form of matrimonial relief available throughout Canada has inevitably brought about the publication of a mass of judicial decisions on the subject. The need for a digest of this material is clear and no justification is therefore required for the appearance of this publication.

Something in the neighbourhood of 900 decisions have been digested within these two small volumes (6½ x 8") totalling no more than 430 pages. They have been principally drawn, of course, from Canadian courts (including decisions from Quebec, rendered in English translation). But English decisions, as well as those from other parts of the English-speaking common law world, are also included. Professor Payne is to be commended for having included further a sizeable number of unreported Canadian cases. If these have been reported subsequently to the publication of the principal volume of the Digest, the appropriate indication is given in a table in Supplement I; if they have remained unreported, interested persons may nonetheless obtain copies by writing to the appropriate official. The Digest also contains the usual table of cases, a "selected bibliography" and a reproduction of the text of the Divorce Act itself at p. 203 of the first volume.

The success of a digest of judicial decisions can be measured in a number of ways. When a digest on a specialized subject is the first to appear on the market, and it thereby fills an obvious gap in the working tools available, its author is very likely to be thanked by students of the subject. Professor Payne has produced his work with a speed that is commendable; and he promises a further supplement at the end of 1971 which will enhance still further its usefulness. But the real value of a digest must ultimately be judged according to another criterion — by the degree to which the user can fully rely upon it as a working tool. In other words, its *scope* and *exactitude* must be such that the user has complete confidence in it. He must have the assurance that he can in fact find all the

materials relevant to his problem within the publication and that the digestion of the materials included is accurate.

On the first matter, that of the scope of the Digest, it would have been preferable, in this reviewer's opinion, to have specified, as a matter of sound editorial policy, the aims of the Digest. There is no indication from what *series* of reports and during what *period* of publication of such reports the author has drawn his material. Even an alphabetical table of the modes of citation of the reports digested would have lessened the uncertainty somewhat. Is it to be assumed that every Canadian case (of some, any, or only marginal importance) has been included? Exactly what period of time does the Digest cover? If decisions ante-dating our new federal legislation and relating to ancillary provincial legislation have been included, on what basis have they been selected? And further: while decisions of non-Canadian courts may very properly, in the common law tradition, be included in a Digest primarily devoted to Canadian law (for the reason, presumably, that an English or New Zealand court has had an opportunity to grapple with a problem provoked by similar legislative expression), it would be helpful to know on what basis they have been included. Is the rationale that such decisions have been cited or approved by Canadian courts? Are these non-Canadian decisions drawn from the reports of cases of countries X, Y or Z because our Canadian legislation was in part modeled upon the laws of such countries? These are not idle questions. If the user doesn't know the scope of the materials from which the selection of decisions has been made, he cannot use the Digest in complete security. Undeclared or subjective choices regarding the inclusion or exclusion of material must surely be eschewed by the author of a scientific tool; he has, at least, the obligation to specify the ground rules, so to speak, that he has adopted in making his compilation.

The other equally important feature of a digest, according to which its real value may be tested, is only evident through an extended use of it over some period of time. Exactitude and completeness in the scheme of subject headings, and the digestion and classification of materials within those headings, are of obviously cardinal importance. The author has chosen to follow, and it is a convenient and logical choice, the breakdown and order of headings as they are treated within the Divorce Act, 1968 itself, expanding the sub-headings where necessary in Supplement I to include new aspects of the subjects dealt with earlier in the first volume. The entries themselves are composed either of direct quotations from

the judges' notes or summaries by way of original digestion and, so far as this reviewer can ascertain, are wholly accurate.

It has been indicated that at least one further volume of the Digest will be forthcoming at the end of 1971. It is to be hoped that the series will not stop there and that, with the likely future increase in the volume of reported cases, an effort will be made to consolidate these first three volumes while at the same time issuing further supplements. If this does come to pass, then publication in a different format is much to be desired: a working tool the style of binding of which prevents it from lying open flat on the work table is a source of not a little annoyance. A looseleaf format whereby up-dating pages could be replaced at specified intervals would seem to be indicated. It is also to be hoped that, upon such a re-issue of the work, the occasion might be seized to improve the style of the page lay-out. A greater sophistication in the use of various type sizes, with marginal or head-of-the-page indications as to be subject matter treated, will facilitate its use as a reference tool. But these are matters of style of production and secondary in importance to the need for a specification of the editorial policy adopted.

J. E. C. BRIERLEY  
Faculty of Law  
McGill University

---