for the subject headings rather than the previous small letter italic print. On the other hand, cross-references within the index have been eliminated, although their value might be questionable.

The price of the work raises the question whether or not the publishers should have considered issuing it in two separate volumes. Although the topics of banking and bills of exchange are most certainly related, are they related to such a degree that they are not severable? The book is probably designed somewhat more for the practitioner than the student, nevertheless, it is a valuable teaching tool. Hence, since most law school curriculums require a course in bills and notes and not in banking, it is conceivable that a wider distribution resulting in lower costs for everyone concerned could be a consequence of issuing two separate volumes, one on banking and one on bills of exchange.

The minor criticisms that are expressed above should in no way detract from our appreciation of the excellent quality that Mr. Rogers has maintained and built upon in this edition. We should, indeed, be grateful to him for the efforts that he has expended in keeping available to us the fruits of labour of one of the great legal minds this nation has ever produced.

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DOUBLE JEOPARDY. By Martin L. Friedland. Oxford: Clarendor Press. 1969. Pp. xxviiii and 439. 90s.

This work is a comprehensive study of the concept of double jeopardy in the common law world, and a magnificent testimonial to the scholarship of Professor Friedland. It is lucidly written and organized, and exhaustively researched. There is no doubt that the work will become a standard reference for many years. Certainly, judges and counsel in criminal matters will in the future proceed at their peril if unfamiliar with its subject material.

The work is in great detail and a review must confine itself to a brief indication of what the reader may expect to find within the five parts into which the work is divided. Part One contains a discussion of the rationale of the rule against double jeopardy, and its history in English and Continental Civil Law. In this introductory part Professor Friedland emphasizes that the history of the rule is the history of our criminal procedure. He also clearly states the rationale of the rule to be the prevention of harassment of an accused by the State.

Part Two explores the difficulties in determining when and under what circumstances jeopardy attaches, and hence the discussion here forms the central part of the work. The following headings found in this Part will indicate the scope of the discussion: Terminating the Proceedings Before Verdicts; Is a Verdict, Without More, a Bar? (the answer here is generally yes); Reconsidering the Verdict; Limited Correction of Erroneous Conviction; and Varying the Sentence During the Same Term. The Part also explores the important question of when

a dismissal will be a bar. The dismissal on the merits and Mr. Justice Boyd McBride's comment on this matter in *Trainor*[1] is referred to.

Part Three discusses the special pleas, estoppel, splitting a case, and multiple convictions. Professor Friedland points out that no single test has yet been developed for barring second prosecutions. He does suggest that the main barrier against harassment of an accused by repeated prosecutions should be by way of the rule against unreasonably splitting a case.

Part Four concerns itself with the question of appeal from conviction under English law and the extremely limited power of the criminal division of the Court of Appeal to order a new trial. In this matter Professor Friedland concludes that "English Law carries this protection against double jeopardy to extreme length." Canadian criminal law has not been so solicitous in this regard and the Code specifically grants the power to a Court of Appeal to order a new trial in circumstances where the criminal division of the Court of Appeal cannot.

On the question of an appeal from an acquittal, Part Four canvasses the position in England, the Commonwealth, and the United States pointing out the diversity of the law on this subject. All of this discussion against the background of the rule against double jeopardy serves to bring the nature of the concept into sharp focus and to emphasize the difference between the general rule and the Canadian law permitting the Crown to appeal from an acquittal. This is rightly seen by Professor Friedland as an exceptional remedy granted to the Crown some thirty years ago and presently taken for granted.

Part Five provides an extremely interesting discussion of the rule against double jeopardy and its applicability in criminal charges subsequent to the decision of a particular tribunal such as a professional disciplinary body or a court-martial. The reverse order of proceeding and the effects of the rule are also dealt with. While the judgment of a court of competent jurisdiction will bar a trial in a criminal court for the same offence the question of what constitutes a court of competent jurisdiction is not susceptible to an easy answer. Generally speaking, the sentence of a professional disciplinary body cannot be considered as having been imposed by a court of competent jurisdiction for the purpose of the double jeopardy rule. Professor Friedland discusses the court-martial and subsequent criminal charges pointing out that in Canada the National Defence Act of 1950 does not specifically bar a civilian court from trying an accused person after a court-martial as is not the case in England. He does draw attention to the fact that in Canada a person tried for an offence by a civilian or a military court does have the protection offered by the rule against double jeopardy.

Part Five goes on to discuss the international aspects of double jeopardy, and the problems created for the rule by the division of legislative authority in Canada. The danger of consecutive prosecutions in Canada under provincial and Federal law for identical acts is ever-present, and the rule against double jeopardy has never been authoritatively put forward by a Canadian court as a bar to such consecutive prosecutions. Professor Friedland refers to Professor Laskin's remarks

1 (1945) 86 C.C.C. 36, at 43.

that "there is no constitutional protection against plural liability under provincial and Federal legislation for the same act."[2] Professor Friedland argues forcefully that the rules against double jeopardy should be applicable to prosecution under the Federal and provincial laws. Their applicability has been specifically denied in the reigning decision of *Kissick*,[3] a decision of the Manitoba Court of Appeal. Perhaps this could be corrected in a provision of the proposed entrenched Canadian Bill of Rights. Professor Friedland makes a number of less contentious proposals as to how this problem could be overcome.

Professor Friedland has spared no effort in doing all that is possible to weave the tangled strands of his chosen subject into a coherent fabric, and he has gone as far in this direction as the nature of the subject will allow. He is dogged however, at every turn, by the historical barriers which the Common Law throws up to hinder coherence. The echoes of ancient constitutional and legal disputes ring throughout the pages giving comfort to the traditionally minded, and despair to those who are not so disposed. The fact that a book such as this is eminently useful, tells us much about the need for improvement in our criminal law system. Professor Friedland has performed a difficult task with great skill, and it is to be hoped that his suggestions for change will be treated with the careful consideration they deserve.

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2 At p. 416.
3 (1942) 78 C.C.C. 34.
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FOREIGN POLICY AND INTERNATIONAL LAW. By C. G. Fenwick. Dobbs Ferry, N.Y.: Oceana Publications Inc., 1968. Pp. xii and 142.

NEW DIMENSIONS FOR THE UNITED NATIONS: THE PROBLEMS OF THE NEXT DECADE. By C. M. Eichelberger. Dobbs Ferry, N.Y.: Oceana Publications Inc., 1966. Pp. xi and 225.

New Dimensions is the seventeenth report of the Commission to Study the Organization of Peace of which C. M. Eichelberger is the Chairman. The book is comprised of the report itself and seven supplementary papers dealing in somewhat greater detail with the problems confronted in the report. The report is signed by the members of the Commission. In the list is to be found the name of C. G. Fenwick, author of *Foreign Policy and International Law.*

The purpose of the Commission is to suggest means of improving the operation of the United Nations system to meet the pressing problems of the future. These problems, as the Commission sees them, are:

(1) to adjust its organization and procedures to the appropriate vote of great and small states;
(2) to improve its lawmaking process;
(3) to move the world from existing armistice and cease-fire agreements to genuine peace settlements and to strengthen the system of peace-keeping, peaceful settlement and collective security looking toward total disarmament;