

and loss of enjoyment of property. One might consider this a high price to pay to assert your right to a clean environment on your own property, especially after the fact of contamination. After the successful *Friesen* action, the Legislature of New Brunswick changed the law so that Forest Protection Limited would no longer be liable in any future cases similar to this — the Friesens' success was short lived.

I am willing to admit that legal actions or judicial consideration of the other situations discussed by Ross Howard, *i.e.* mercury in the English-Wabigoon River, lead in Toronto and nuclear burial in Port Hope, may not exist. But failure to include the above cases may be considered a weakness in his case *re* New Brunswick insecticide spraying. The author's examples are well known and provide little that is new or revealing, which is another weakness in the text.

From a technical aspect, as mentioned in a previously written review,¹⁹ terminally located footnotes are disturbing to the reader. The publisher has also followed the unfortunate practice of numbering the footnotes of each chapter independently which is an additional inconvenience to the reader. The page numbers and folios are located at the lower outside margins, not the usual position, but easier to utilize than those of the Schneider book.²⁰

Regardless of any criticisms I have made, *Poisons in Public* should be a book which finds its way into the libraries of those concerned with environmental quality in Canada.

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¹⁸*Supra*, footnote 9.

¹⁹*Infra*, (1981) 30 *U.N.B.L.J.*; at 288.

²⁰*Ibid.*

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***Reasons for Judgment, A Handbook for Judges*, Roman N. Komar, Toronto: Butterworths, 1980. Pp. 112. \$32.95 (cloth).**

This book is concise and constructive. It is but ninety-seven pages in length, excluding a brief bibliography. I found that the reading of it was helpful, but, alas, as a trial Judge, it sets forth objectives which, in my opinion, are very difficult to attain. The author is very much aware of

the limitations on the time available to write reasons, especially at the trial level. A Court of Appeal may write and re-write its reasons, in collaboration with members of the Court, as may the Supreme Court of Canada, but the trial Judge does it alone when he or she finds the time between court sessions, very often during an evening or on a weekend.

At a seminar for Judges several years ago, two visiting lecturers, who were not Judges, had been invited to speak to about fifty of us, in a critical manner, concerning reasons for judgment. I must admit that a few judges in attendance resented the comments spoken by those invited to do so. However, most of those listening were in good humor and, in fact, when one speaker stated that many trial judgments appeared to be "first drafts", an experienced trial Judge agreed with the lecturer, because, the Judge said, such reasons probably were first drafts in fact.

At least, an attempt was made to give logical reasons, unlike the famous Judge who was never reversed on appeal until he attempted to give his reasons, after which he was invariably upset.

All human beings are the products of an environment and culture and therefore possess a subjective element in their approach to a contentious subject. Which is more important: the rendering of reasons within a reasonable period of time, or the attainment of the degree of perfection set out in this book? Notwithstanding the view of the author, this reviewer and Judge believes that it is much more preferable to render a decision within a reasonable time, not exceeding two or three months, than to delay the reasons in order to perfect the grammar and organization of the judgment.

My own personal point of view clouds my opinion in that, while admiring the brilliance of some English Judges in their manner of expression, I never, in my rather lengthy experience as a lawyer and Judge, read any decision for the purpose of analysing its structure and grammar. My concern always was, and still is, to ascertain the *ratio* of the reasons, and to find out if I thought it was sound and helpful as well as relevant to the matter before me.

The table of contents informs the reader very quickly of the subjects dealt with by the author. I find it impossible to argue with any of the material suggestions of the author. His purpose is to assist Judges in striving for excellence. That objective is highly desirable but it will not be attained, in this world, by all.

Mr. Komar may well say of this review that it reads like a "first draft".

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