***Introduction to the Canadian Law of Trusts*, Beverley G. Smith, Toronto: Butterworths Co. Canada Ltd., 1979. Pp. *xii*, 167. $13.95 (paperback).**

The Butterworths' "Basic Text Series" affords a forum that is both convenient and conducive to simplifying the sometimes archaic and often cumbersome law of trusts. In his book, Prof. Smith takes up this task with some success, maintaining a high degree of accuracy and legal propriety.

The text is organized into eleven chapters (the eleventh being a short compendium of the law of trusts in Quebec). It begins by setting a general framework discussing the constituent elements of a trust and develops into a more detailed examination of six substantive areas of the law, *viz.* express trusts, constructive trusts, charitable trusts, trust administration, breach and remedies, and variation of trusts. The work includes a comprehensive index which would prove most valuable in assisting one weeking for guidance in specific areas of interest, particularly where succinct results are the order.

The author has made effective use of pertinent case law to develop and illustrate his examination of the various areas of trust law. In his attempt to "Canadianize" the law of trusts Smith has often used relevant Canadian court decisions, some being contemporary. But there is no sacrifice of the genesis of our own law, as many of the still applicable cornerstone decisions of the courts of England are incorporated into the work.

Smith's text is not without fault, though, its main failing being the superficial treatment given to some of the more complicated areas of trust law. A notable example is the author's treatment of the Rule in *Saunders* v. *Vautier*,[1] a legal relic that is still the cause of some torment for students and practitioners alike, this complex rule being treated little more than lip service. The author seems to view his central task as condensing a mass of legal informatioon into the confines of the basic text format, an undertaking he approaches with sincerity and obvious expertise. Unfortunately, his brevity at times results in the reader coming away with insufficient explanation to truly comprehend the complexity of some areas of the law.

The book's main strength is in its format and setting of the basic conceptual framework. It falls short of the mark when in come cases the more complicated principles require some elaboration for even a basic working knowledge. This text could well complement other teaching

[1](1841), Cr. & Ph. 240 (Ch.D.).

aids but would prove weak if used in isolation or as a primary source for research. If the user realizes these limitations, the book would prove a useful tool. All in all, Mr. Smith has succeeded in his goal to ". . . place a directory arrow to the bowstring of principle".[2]

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[2]Smith, at iv.

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Tort Liability in a Collective Bargaining Regime, Susan A. Tacon, Toronto: Butterworths, 1980. Pp. *xvii*, 148. $30.00 (cloth).

Intending readers of this slim tome should be chary of expectations aroused by its expansive title. The volume takes aim not at a general discussion of tort liability in a labour setting but rather, through a presentation of judicial responses to picketing, attempts to focus attention on the argued inappropriateness of judicial intervention in the collective bargaining process. As the authoress notes, "The thesis of this book is that the courts are the wrong forum to deal with industrial conflict."[1] The old adage about the book and its cover would appear to apply to this volume and its title. With the more limited purpose in mind, one may then proceed to appreciate the tempered focus of the work.

Picketing has been chosen by the authoress as the analytical category, in which to assess judicial response to collective bargaining, in view "of its high visibility, incidence and involvement of third parties."[2] But as is pointed out, peaceful picketing is more than the mere visible manifestation of industrial unrest. It is also the exercise by individuals of freedom of speech or expression though, in an industrial context, this freedom has generally been given short shrift. Rather it has been the employer's commercial freedom (read "right") to trade which the courts have protected as ascendent in balancing interest of employers and their striking employees. Commencing with the historical judicial common law repugnance to combinations and picketing (watching and besetting), the

[1]Tacon, at 12.

[2]*Ibid.*, at v.