

REVIEWS.

and extended study than a reviewer can in general give, to the volumes which he is called on to examine. We are well aware, indeed, how impossible it would be within the limits of one, or half a dozen articles, to attempt anything like an exhaustive survey of a book that treats of a subject so complex and manifold as the principles of Real Property Law. These principles are the very *arcana* of legal science, though strange to say, they have suffered more than any others at the rude hands of the "unlicensed conveyancer," who, "rushing in" with easy confidence where angels might well "fear to tread," has scattered broadcast over Ontario curious and interesting specimens of the working of *his* mind on this intricate head of Law. Trusting the readers of the LAW JOURNAL will pardon this allusion to a very "real" grievance, not unfrequently commented on in these columns, we will return to the subject more immediately before us by stating that it is not our purpose to attempt the exhaustive review of which we have spoken, but simply to call attention to the salient features of this adaptation of a portion of the great English jurist's *opus magnum* to Ontario law, and in particular to specify the more important points wherein the edition just published differs from the earlier one.

In this connection we may fitly notice the change in the title page, on which there is now associated with the name of the original author, that of Mr. James F. Smith, a gentleman long and favourably known in the profession as a sound and well-read real property lawyer. No one who examines with any care the edition now issued, and compares it with the former, will be surprised that Mr. Leith was anxious to secure the services of a coadjutor in so arduous a task as that of bringing up to the standard of the real property law of 1880, a work which was originally published in 1864, and it will be universally acknowledged that the result has proved Mr. Smith to be a worthy associate of one who is admittedly a "past master" in the conveyancer's craft.

During the period of sixteen years which has elapsed since the publication of the first edition of this book, the law of Real Property has been subject in a marked degree to that mutability which is characteristic of all human institutions. The axe of the Legislative woodman has been hewing vigorously at the time-honoured growths

of legal precedent, and some of his weightiest strokes have been dealt at the old doctrines of the *jura rerum*. This tendency of Canadian legislation is commented on, not very sympathetically, by Mr. Leith in the preface to his learned work on the Real Property Statutes, published in 1869, since which date each successive volume of our Statutes has borne witness to its continued prevalence.

It would be foreign to our present object to discuss the merits or demerits of this tendency. The most enthusiastic advocate of change must admit (to quote from the "preface of the work just referred to) that very often the mutability of our laws is to be ascribed. . . . to their being framed with no sufficient appreciation of the existing law, or its mischief, or its remedy." The sturdiest champion of the ancient customs of the realm will not deny that the legal author must be content to take the law as it stands, and to remember, as a Mansfield or an Eldon must, that his province is to interpret, not to question, the wisdom of senates. Such is the end at which the authors of the work now under review have aimed. In a brief and modest prefatory note, they refer to the many changes in the law, and the lack of any similar work applicable to this Province, as the chief commendations of their work to the favour of the profession. No more cogent reasons could be adduced for the publication of any law book, but we are sure that all candid critics will go further than this, and ascribe to their work no small share of that intrinsic merit which they seem disposed to disclaim.

The most superficial examination of the present edition can hardly fail to disclose abundant evidence of its marked superiority to its predecessor. To begin with, the typographical execution is vastly better. This of itself is a great boon to those who have found their appetite for what Mr. Joshua Williams calls "the ample and varied entertainment" of Blackstone in no wise stimulated by the manner in which the banquet is set forth in the closely printed pages of the first edition with its curious brackets and asterisks. While speaking of matters of this kind it will not be amiss to refer to the analytical table of contents prefixed to the present edition, which is a new feature worthy of cordial commendation, and to the excellent and well arranged index. The general arrangement of the work is much the same as in the first edition, the principal change made in this re-