

Province of Manitoba.

QUEEN'S BENCH.

Full Court.]

SINCLAIR v. PRESTON.

[Dec. 22, 1900.

Contract—Rectification—Interest—Effect of taking judgment for claim—Partnership.

Decision of BAIN, J., noted vol. 36 p. 469, affirmed, except as to the right of the plaintiff to interest on his claim.

The provision in this agreement as to the time of payment of the money to be earned by the plaintiff was that it was to be paid as soon as the defendants received it from the railway company.

Held, following *London, Chatham and Dover Ry. Co. v. South-Eastern Ry. Co.* (1892) 1 Chy. 120, in which *Duncombe v. Brighton Club, etc., Co.*, L.R. 10 Q.B. 371, was overruled, that the money was not payable by virtue of a written instrument at a certain time within the Act, 3 & 4 Wm. IV., c. 42, s. 28, and so the plaintiffs were only entitled to interest upon it from the commencement of the action.

Wilson and Allan Ewart, for plaintiff. *Phippen and Elliott*, for defendant.

Book Review.

A Treatise on the Law of Real Property, by Edward Douglas Armour, Q.C., of Osgoode Hall, Toronto: Canada Law Book Company, 1901.

For a long time past the practice of the law has been more or less divided into specialties, one man being prominent in one branch and another in another branch. Mr. Armour has a specialty, and that specialty is the law of real property. Most appropriate therefore that he should give to his brethren of the profession the result of his research and the benefit of his learning on this most important and difficult subject—at least to the extent that it can be given in 507 large pages.

It was very many years ago that that great jurist, Sir William Blackstone, wrote his historic commentaries on the law of England, the best known legal work in the English language, and although it had its defects, it has remained the greatest exposition of the principle of the laws of England from that day to this. The law, however, changes continually, and many writers have used his book as a framework whereon to set forth the law as it stands from time to time. This is notably so as to the volume which treats of *jura rerum*—the rights of things.