

REVIEWS.

A TREATISE ON THE AMERICAN LAW OF REAL PROPERTY—By Emory Washburn, LL.D., Professor of Law in Harvard University. Boston: Little, Brown & Co.

We have read the volume before us which is complete in itself, and furnished with a full and well constructed index. This carefully prepared work will be found a valuable contribution to the Canadian lawyer.

The section on waste we mention, illustrating its peculiar advantage to us.

The condition of things in the United States and Canada is very much alike, and many acts that in England would be waste, are held, and properly so, not to be so in the United States. This branch of the law of real property is very fully illustrated by reference to American cases.

The section "letting lands upon shares" (page 364), may also be referred to as showing the peculiar value of the work to our profession. The English reports and text books, contribute little to our enlightenment on this subject, the practice of "letting on shares" not prevailing in Great Britain.

On the most important statutory provision relating to lands, a compendium of the law of the several States, is given in notes, which will enable the Canadian reader to understand the apparent discrepancies in the decisions of the different States, and be useful also for reference.

Our opinion before expressed, that the value of American text books would be greatly increased by reference to the cases decided in Upper Canada, we reiterate in respect to the work before us, and take the liberty of saying that our reports would have furnished Mr. Washburn *more aid in the preparation of his work, than the reports of any three States in the Union.*

We can strongly recommend this work. It is the best American text book we have seen on the law of real property, and we are satisfied that any Canadian lawyer who reads even a single section will desire to have it by him to consult whenever called upon to advise in respect to the important branch of the law which it covers.

ORDERS OF THE COURT OF CHANCERY FOR UPPER CANADA, WITH NOTES, by T. Wardlaw Taylor, Esq., M.A., Barrister-at-Law. Toronto: H. Rowsell, King-street. 1860.

The Editor of this small volume states that the edition is not published by authority, but will be found to contain all the orders by which the practice of the Court is regulated.

It is a shame that something is not done by our Court of Chancery towards consolidating its orders. Long since, we had been given to understand that the Court here intended to do so, and have been in daily expectation that the work would be done. The orders of June 1853 have long been out of print, and the orders of succeeding years were not, until the publication of the volume before us, to be had in separate form.

Mr. Taylor, it will be seen, has attempted to do what the Court should long since have done. His edition is not published "by authority," but yet contains "all the orders by which the practice of the Court is regulated." He has not, of course, consolidated the orders; that is for the Court to do. What, however, he could do towards supplying a great want to the profession, he has done, and done very well. He has taken the trouble to append to the orders decisions on points of practice arising under them, and also many decisions on those sections of the English Chancery amendment acts which have been adopted into the orders of 1853. With this part of Mr. Taylor's performance we have no fault to find, except that his notes, instead of being foot-notes, or otherwise distinct from the text, are mingled with the text in a manner which is not free from confusion.

In his search for decisions under the orders, he has evidently been industrious, but yet we cannot say that he has noted all

the decisions. Under order No. ix. subsec. 15, we should find a note of *Goodlove v. Manners*, 4 Grant, 101. Under order xiii., *Counter v. The Commercial Bank*, 4 Grant, 230; *Shaw v. Lud-dell*, lb. 352; *Prentiss v. Brennan*, lb. 147. Under order xvii., *Davidson v. McKillop*, 4 Grant, 146; *Clarke v. Hall*, 7 Grant, 339. Under order xxxii. subsec. 2, *Hill v. Foyth*, 7 Grant, 461. Under same order, subsec. 4, *Clarke v. Best*, 8 Grant, 7. Under order xxxvi. subsec. 12, *Crooks v. Crooks*, 4 Grant, 376. Under order xl. subsec. 6, *Re Ausbrook*, 4 Grant, 109. Under order xli. subsec. 15, *Paterson v. Holland*, 7 Grant, 563. Under order xlv. subsec. 6, *Saul v. Cooper*, 4 Grant, 61.

The volume should have been accompanied with an Index of cases to which reference is made in the body of the work. Had it been, we could have tested its value with more accuracy. It is possible that some of the cases to which we have referred as being omitted, are inserted in places other than where we should expect to find them.

We must, however, do Mr. Taylor the credit of having produced a work that will be of very great service to that portion of the profession who are engaged in Chancery practice. Every man who supplies, at moderate cost, a want of which any portion of the profession stands in need, is a benefactor.

The book is well printed, and printed on good paper. It is done in Mr. Rowsell's usual well-known style. Price, \$1 50 paper, \$2 half calf, \$2 50 half calf interleaved with writing paper.

BLACKWOOD, for October, received. Contents:—Seeing is Believing; The Papal Government; Tickler II. among the Thieves; The Reputed Traces of Primeval Man; The Romance of Ajostini; The Fresco Paintings of Italy; Proverbs; The Meeting; Progress; Strength; Norman Sinclair.

GODEY'S LADY'S BOOK, for November, received. Contents, as usual, varied and interesting. It is embellished with some engravings of exceeding beauty.

APPOINTMENTS TO OFFICE, &C.

JUDGES.

The Hon. JOHN PRINCE, of Osseode Hall, Esquire, Barrister-at-Law, Q.C. to be Judge of the Provisional Judicial District of Algoma—(Gazetted Oct. 6, 1860)

NOTARIES PUBLIC.

JAMES FOX SMITH, of Newtonville, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada—(Gazetted Oct. 6, 1860)

CHARLES ADDISON BARTT, of Clinton, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada—(Gazetted Oct. 6, 1860)

ORLANDO JOHN MACKAY, of Toronto, Esquire, Barrister-at-Law, to be a Notary Public in Upper Canada—(Gazetted Oct. 6, 1860)

DAVID BLAIN, of Toronto, Esquire, Barrister-at-Law, to be a Notary Public in Upper Canada—(Gazetted Oct. 6, 1860)

MACNEIL CLARKE, of Prewett, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada—(Gazetted Oct. 6, 1860)

JOHN HORNER GREENWOOD, of Whitby, Esquire, Attorney-at-Law, to be a Notary Public in Upper Canada—(Gazetted Oct. 13, 1860)

SHERIFFS

HENRY J. THORP, Esquire, to be Sheriff of the County of Prince Edward—(Gazetted Oct. 27, 1860)

CLERKS OF COUNTY COURTS.

JOHN MACBETH, of London, Esquire, to be Clerk of the County Court of the County of Middlesex—(Gazetted Oct. 27, 1860)

SEPTIMUS PRINCE, Esquire, to be Clerk of the District Court of the Provisional District of Algoma—(Gazetted Oct. 27, 1860)

TO CORRESPONDENTS.

A. CLERK, JOHN ARMOUR—Under "Division Courts," p. 249

B—Under "General Correspondence," p. 261.

E. S. WHIPPLE—Too late for this number.