

is not essential." The notes, certainly, are of value here, but by how much would they not have been enriched by reference to *Bank of Montreal v. Baker*, 9 Gr. 97, and *Bank of Toronto v. Cobourg, Peterborough and Marmora Ry. Co.*, 7 Ont. R. 1. Again, when treating of escrows, we miss the well known case of *Oliver v. Mowat*, 34 U. C. R. 472, deciding that even registration of an instrument will not change it from an escrow to a deed.

In comparing the notes with the text, we cannot help being struck with the fact that many of the States have broken away from mere maxims and forms, still ruling in England, where a more sensible view requires the introduction of a more sensible rule. For example, in the text, we find it stated (p, 30) that in *West v. Blakeway*, a tenant had covenanted not to remove a greenhouse, and it was held no defence for him against an action for so doing, that he had his landlord's subsequent permission so to do, *that permission not being shown to have been under seal*. In the notes the rule is shown to have been too rigid for American notions of law and justice.

It is just this feature of American books that makes them valuable to the profession in our western Province. Not that we advocate the substitution of American for English precedents. On the contrary, we have the very highest respect for English authority. But we do think that both in England and Ontario, in many lines, the law has, by dint of piling precedent upon ill-fitting precedent, and the application of principles in ill-conceived methods, become crabbed and unreasonable; and that a well-regulated kick over the traces occasionally, in American fashion, will do no harm.

The text of the book now in review has long since passed into the classics of legal literature. Of the present edition, and especially the notes, we may be permitted to say that, with the exception noticed, the work appears to have been excellently done. One does not, of course, look for the fullness of Addison; but we are well content to have continued for us the clearness of Smith.