

REVIEWS.

spect being the relegation of the chapter on the Law of Descent from the central position it formerly enjoyed to one much nearer the end. This is not the only, nor the most important change which the authors have made in this famous chapter—we fear that some would suggest a slight change in the epithet. The long and intricate discussion of the law of descent at Common Law and under the Statute of William has been entirely omitted, and the attention of the student is directed exclusively to the Statute of Victoria. The authors state in a foot-note that they “have not thought it advisable to treat of the former law as by the lapse of time since 1851, and the effect of the present Statute of Limitations, a knowledge of that law is of little service.” The work was designed, both by its original author and by its Canadian adapters as a manual for students, not a mine of learning for professors of the law, and the great drawback to its usefulness in this, its primary object, was the distressing effect of this chapter upon the young student, who too often found that his herculean efforts to master the intricate pedigree of the *English* “John Stiles,” and the priorities of “his sisters and his cousins and his aunts,” had left him but little strength or spirit to grapple with the much more practically important difficulties of the present law of descent in Ontario.

In instituting a comparison between the work under review, and its predecessor, the first noticeable point of difference will be found in the second chapter,—that treating of the laws in force in Ontario, and the authority for their application and for legislation by the Dominion and Provincial Parliaments. This important chapter which, like the chapter on descent already referred to, consists entirely of original matter, has been re-written, and greatly amplified. This has, of course, been rendered necessary by the momentous changes which have been effected in the political and legislative relations of Ontario by the British North America Act of 1867. Reference is made to the sections of that Act which treat of the nature and limitations of the legislative authority of our parliaments, and to the interpretation which these sections have received at the hands of our judges in cases such as *Smiles v. Belford*, and *Severn v. The Queen*. Much labour must have been expended upon this chapter, and the result must be most beneficial in giving the student, at

the outset of his investigations, a clear idea of their ultimate standard and source.

We have not space at our disposal to linger over the many points of interest suggested by our comparison of the editions of 1864 and 1880, and must confine ourselves to a few of its more obvious results. This much however may be said, that the authors have nowhere slighted their work, which bears evidence throughout of careful and conscientious revision, and adaptation to the present state of the law. In many subjects of the most vital importance, the mass of new matter to be incorporated has been so great that whole chapters have been recast or rewritten. We would refer more particularly in this connection to the chapter on “Freehold not of Inheritance” which contains a most valuable and suggestive *resume* of the present law of dower, and to that on “Estates upon Condition,” which now contains 55 pages instead of 7, as in the first edition. This increase in bulk is due to a sketch, admirable in expression and arrangement, of the existing law of mortgage, and the principal statutes relating thereto. The treatment of this subject, the most important in a practical point of view that can engage the attention of the student of real property law, was wholly inadequate in the first edition, and the authors have nowhere shewn greater judgment, or met with more success, than extending the range of this chapter so widely as they have done.

Other chapters which have been to a great extent re-written are that on “Title by Alienation,” in which we may specially remark the able treatment of the intricate questions turning on the construction of the “Married Woman’s Property Act”—that on “Alienation by Devise,” the greater part of which is very properly devoted to the consideration of the radical changes introduced by the Wills Act of 1873—and those which treat of the pre-eminently difficult and recondite subjects of title by prescription and conveyances by tenants in tail.

The authors say with truth that “much contained in the first has been omitted” in the second edition. We have already spoken of one important omission as being likely to meet with general approbation. We are not sure that the total excision of the chapter on “Alienation by Matter of Record and under Execution” will meet with equal favour in the eyes of the profession. It may be true, as the authors as-