

necessary. Moreover, unlike the others, *Division of Matrimonial Assets in Ontario* is not a looseleaf service. As a result, it will quickly become dated. Already, cases such as *Colville-Reeves v. Colville-Reeves*¹⁶ and *Leatherdale v. Leatherdale*¹⁷ have altered the law on the division of non-family assets since the publication of this book.

The practitioner who simply wants to discover the relevant case-law on a particular issue may find *Division of Matrimonial Assets in Ontario* a useful book. However, anyone searching for a critical analysis of the cases, a systematic synopsis of the present state of the law, or an evaluation of the matrimonial property regime in Ontario will be disappointed.

Berend Hovius*

DEBTOR AND CREDITOR: CASES, NOTES AND MATERIALS. By J.B. Laskin, E. Gertner, B. J. Reiter, M.A. Springman and M.J. Trebilcock. Emond-Montgomery Ltd., 1982. Pp. 1xvii, 1049. (\$89.50)

I used this book in a Creditors' Rights course I taught for the first time at the University of Ottawa from January to April 1983. While not an expert on the subject of debtor-creditor law, I had developed an interest in and familiarity with it, mainly from my own studies and from some experience as a practitioner. Being called upon to teach this course for the first time at short notice, I had little alternative but to turn to a case-book, although, having used case-books in teaching other subjects and having found good case-books compatible with my teaching style, I would probably have opted for this book (or something comparable) under any circumstances. It is from this perspective that I offer the following analysis of the strengths and weaknesses of this work.

As case-books go, this one is sophisticated and ambitious. It is a far cry from the case-books of an earlier generation which were little more than a cut-and-paste job performed on the law reports. This case-book, in common with other current Canadian examples of the *genre*, contains extracts from learned articles, extensive references to proposals by law reform agencies, abundant excerpts from statutes and regulations, as well as insightful introductory comments and questions composed by the authors.

While it is aimed primarily at law students, the authors have expressed the hope¹ that practitioners will find the work to be of value. My own view is that what practitioners would find most useful about this book is that it brings together within its covers much of the basic material in the field,

¹⁶ 37 O.R. (2d) 568, 27 R.F.L. (2d) 337 (C.A. 1982).

¹⁷ 30 R.F.L. (2d) 225 (S.C.C. 1982).

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¹ P. v.

thus obviating the need to have at hand volumes of cases, statutes and regulations. Some of the comments of the authors could suggest interesting lines of inquiry for practitioners, but I suspect that most would find this a less than satisfactory work of reference. This is because the book — quite legitimately for a students' case-book — is more concerned with identifying themes and with challenging students than with attempting to enunciate the law. In particular, it is sometimes difficult to figure out which rules apply in a given jurisdiction. For this reason, several of my students, typically "[exhibiting greater] interest in rules and other 'practical' information. . . than issues of legal theory or social policy",² commented to me adversely on the book.

I do not wish to dwell on the possible limitations of this work as a practitioners' *vade mecum* on the law of debtor and creditor. To do so would not only be pointless, the book not having been conceived as a practitioners' guide, but it would also risk obscuring this book's obvious strengths as a students' case-book, and these strengths are many.

In particular, the coverage of the book is very broad, extending, as it does, to mechanics' liens and bankruptcy, as well as to the myriad other remedies and procedures, both pre-judgment and post-judgment, available to creditors in different contexts. It also has an interesting introductory chapter on some of the social and economic facets of the debtor-creditor relationship. While undoubtedly too voluminous to be digested in a single law school course, the book deals with almost all of the topics which any professor would want to canvass in a course on creditors' rights. There is, however, one significant omission, in my view, and that is the Bulk Sales Act,³ of which passing mention, at least, could conveniently have been made in the chapter on "Transactions Impeachable by Creditors".⁴

Probably the most challenging tasks for the authors of a case-book are the selection and arrangement of materials, and the authors have, for the most part, handled these tasks in an entirely comprehensible manner. Under the rubric of debtor-creditor law is an eclectic mix of common law and equitable remedies, of federal and provincial statutes, of ancient common law doctrine and modern statutory remedies, and of substantive legal principles and rules of procedure. It is a subject which could legitimately be tackled in a very nuts-and-bolts fashion, with an emphasis on procedures, or from a theoretical legal perspective, or from a social policy standpoint. The authors have attempted, successfully in almost all cases, to integrate in their work these various approaches to the subject, striking a nice balance between the practice and theory of the law. The one area where I have some misgivings on this score is the chapters on bankruptcy. In view of the continued stalemate over the passage of new bankruptcy legislation, the authors chose to include lengthy extracts from the Tassé

² LAW AND LEARNING: REPORT TO THE SOCIAL SCIENCES AND HUMANITIES RESEARCH COUNCIL OF CANADA, CONSULTATIVE GROUP ON RESEARCH AND EDUCATION IN LAW (H. Arthurs Chairman 1983).

³ R.S.O. 1980, c. 52.

⁴ Ch. 13.

Report,⁵ highlighting many of the differences between the current legislation and the changes which have been recommended. Only a handful of decided cases have been reproduced. Although no one could quarrel with the authors' decision to underline policy themes and to act on the assumption that most of Tassé's proposals will eventually be implemented, these chapters on bankruptcy have not been successful in imparting much of the "flavour" of bankruptcy practice. I believe that it is important for a law school course (without necessarily committing itself to the goal of skills training) to attempt to convey some notions of the practice, as well as the theory, of a particular area of the law, which, in the case of bankruptcy, could have been accomplished by the inclusion of a few well chosen cases in the area.

The presentation of the book is very good. In particular, I would point out that the authors have reproduced in appendices several of the basic statutes in the area *in extenso* — the Execution Act,⁶ the Creditors' Relief Act,⁷ the Mechanic's Lien Act,⁸ the Bankruptcy Act⁹ and the proposed new bankruptcy legislation.¹⁰ If extracts from these basic statutes had been scattered around the chapters in question (as happens in some case-books) using this book would have been much less convenient. The technical editing is also superior in quality, there being relatively few errors that I was able to detect.¹¹ The table of statutes indicates the page on which each section of each statute is referred to or reproduced, a feature which enhances the value of the book as a reference work.

The book attempts to cover the law in all Canadian common-law jurisdictions, although the primary focus throughout is on Ontario. For me, this Ontario bias was an advantage of the book; those in other jurisdictions might find this troublesome, although a perusal of other published case-books would lead one to assume that it is a problem to which non-Ontarians have long since become accustomed.

⁵ REPORT OF THE STUDY COMMITTEE ON BANKRUPTCY AND INSOLVENCY LEGISLATION (R. Tassé Chairman 1970).

⁶ R.S.O. 1980, c. 146.

⁷ R.S.O. 1980, c. 103. Why did the authors omit the Forms of this Act from the Appendix?

⁸ R.S.O. 1980, c. 261; *since repealed and replaced by the Construction Lien Act*, 1983, S.O. 1983, c. 6.

⁹ R.S.C. 1970, c. B-3.

¹⁰ An Act respecting bankruptcy and insolvency, 1980, Bill C-12, 32 Parl., 1st sess., 1980 (1st reading 16 Apr. 1980).

¹¹ A curious error occurs at p. 357. After reproducing the judgment of Brett M.R. in *Webb v. Stenton*, 11 Q.B.D. 518, 52 L.J.Q.B. 584 (C.A. 1883), but omitting that of Fry L.J. in the same case, the book quotes the judgment of Lindley L.J., who stated that "I quite concur in the last observation Lord Justice Fry has made".

My overall assessment is that this is a first rate case-book, which, I feel confident, will establish itself — if it has not yet done so — as the pre-eminent work for common law students on the subject of debtor-creditor law.

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DICTIONARY OF CURRENT AMERICAN LEGAL CITATIONS: ABRIDGED EDITION WITH EXAMPLES. By Doris M. Bieber. William S. Hein & Co. 1981. Pp. iii, 233. (\$6.50)

An imposing list of examples given in the abridged edition of the *Dictionary of Current American Legal Citations* is sufficient in itself to guarantee to the reader an abundant and trustworthy source of information.

While the first edition of *A Uniform System of Citation*¹ was published some fifty-five years ago, and has since been substantially revised in subsequent editions, the citation rules adopted by the different editions of the *Bluebook* are neither as clear, nor as easy to apply, as they should be. The idea of setting out a dictionary of citations in a systematic form similar to the elements of citations introduced in the twelfth edition of the *Bluebook*² is one that both lawyers and law students instinctively view with appreciation. To them the question of proper citation method is often governed by conflicting conventions, although if asked to cite any particular type of legal publication, they would probably apply citation rules, not in the form of comparison, but in some practice similar in form to that found in the *Bluebook*.

The *Dictionary* aims to provide "abbreviations for the legal publications of all United States jurisdictions. . . and. . . examples of the more commonly cited authorities",³ but at the same time, as the editor states in the Preface, the work "is designed as a companion to the *Bluebook*, not a replacement".⁴ I have used the *Dictionary* on various occasions, and every time I turn to it I have been amazed at the manner in which it has been possible to include far more abbreviations and examples of different citations than those offered in the twelfth edition of the *Bluebook*. This

Other errors I detected related to the indenting of certain paragraphs, at pp. 353-54; and to the brief summary of *Downing v. Downing*, 29 O.R. (2d) 119 (Prov. Ct. 1980), at p. 393.

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¹ Hereafter referred to as the BLUEBOOK.

² The BLUEBOOK is now in its thirteenth edition which was published almost concurrently with the DICTIONARY OF CURRENT AMERICAN LEGAL CITATIONS [hereafter referred to as the DICTIONARY].

³ P. iii.

⁴ *Id.*