

at the end of the book.¹⁵ The footnotes are worth reading. Why did the publisher make it so difficult?

It is neither possible nor appropriate in a short review to set forth Professor Weiler's analysis in any detail, much less debate those aspects with which I disagree. The value of the book lies in the range of its insights into contemporary labour relations problems. One need not be a lawyer or labour relations specialist to recognize the importance of these issues. One need only pick up the daily newspaper. For the intelligent layman, *Reconcilable Differences* provides a lucid introduction to contemporary collective bargaining problems by an individual uniquely qualified to write about such matters. For the labour lawyer or student of industrial relations it should be compulsory reading.

Rick MacDowell*

DIVISION OF MATRIMONIAL ASSETS IN ONTARIO. By John De Pencier Wright. Canada Law Book Ltd., 1982. Pp. xxxviii, 400. (\$45.00)

This book is essentially a research tool for the family law practitioner in Ontario. It consists almost exclusively of brief descriptions, collected under various headings, of decided cases. The cases themselves are quoted extensively. Critical analysis is non-existent. As the author himself notes in the Preface: "Editorial comment is kept to a minimum. Where there are varying authorities, these are given without presuming to judge which are 'right' and which are 'wrong'."¹ Consequently, the reader is sometimes confronted with diametrically opposed positions each of which is accorded a heading and supported by case-law. All case-law is treated as equally authoritative; appellate level decisions are merely presented as part of a series of cases on any specific issue.

The coverage of the case-law prior to 1 June 1982 is comprehensive. The author has included not only reported cases, but also those noted in the All Canada Weekly Summaries. Such topics as the definition and division of family assets, claims to non-family assets under section 8 of the Family Law Reform Act,² and the division of non-family assets under subsection 4(6) are obviously covered. But the book also has separate chapters on domestic contracts,³ procedure,⁴ interim preservation of

¹⁵ Pp. 315-29.

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¹ P. vii.

² R.S.O. 1980, c. 152.

³ P. 10.

⁴ P. 101.

property,⁵ jointly owned property,⁶ the law of trusts,⁷ and applications for exclusive possession of the matrimonial home.⁸ Disappointingly, the book does not contain any exposition of the tax consequences of division of matrimonial property. It simply refers the reader to a paper in the Reports of Family Law and then quotes from cases where judges have acknowledged that the tax consequences of any particular division of property must be considered.⁹

In general, the material contained in the book is logically organized. However, the nature of the subject matter inevitably results in considerable overlap. On occasion, this is exacerbated by the author's choice of titles and arrangement of the case-law. For example, the last chapter (misleadingly entitled "Disposition of Particular Assets")¹⁰ deals with the characterization of particular assets as family or non-family assets, a topic already canvassed in the chapter entitled "Family Assets".¹¹ Similarly, the role of conduct of a spouse in the division of assets is examined in chapter three ("The Property Regime")¹² and then again in the chapter dealing with family assets. Although cross-referencing is used, the need to refer to more than one part of the book to find the case-law on a particular topic detracts from the book's utility as a reference.

Any good reference book must have an excellent index. Although I have not had occasion to use the book as a research guide, a cursory glance at the extensive index revealed one major defect. No distinction is made in the index between the division of non-family assets under subsection 4(6) of the Family Law Reform Act and a claim to non-family assets under section 8. Accordingly, the sub-headings under "Non-Family Assets"¹³ are confusing.

Wright obviously believes that a need exists for a reference book which categorizes the case-law on the various issues which have arisen under the Family Law Reform Act. He notes: "Enough cases have now been decided to allow us to see various trends and to isolate those issues on which there is a divergence of authority. In many cases of divergence it is clear that the courts did not have before them relevant prior decisions of other courts."¹⁴ Clearly, the author hopes that this work will remedy the situation. In light of the existing numerous research guides on the division of matrimonial property,¹⁵ one might question whether yet another is

⁵ P. 156.

⁶ P. 256.

⁷ P. 266.

⁸ P. 289.

⁹ Pp. 137-38.

¹⁰ P. 313.

¹¹ P. 162.

¹² P. 58.

¹³ Pp. 389-92.

¹⁴ P. vii.

¹⁵ MATRIMONIAL PROPERTY LAW IN CANADA (A. Bissett-Johnson and W. Holland) (Burroughs); ONTARIO FAMILY LAW REFORM ACT MANUAL (T. Hainsworth)(Canada Law Book Ltd.); LAW AND PRACTICE UNDER THE FAMILY LAW REFORM ACT OF ONTARIO (J. MacDonald)(Carswell); and PAYNE'S DIGEST ON DIVORCE IN CANADA (J. Payne) (De Boo).

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.

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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.