

BOOK REVIEWS

The History of the Law of Landlord and Tenant in England and Wales. By Mark Wonnacott. Clark, N.J.: The Law Book Exchange, Ltd. 2012. Pp. lvi, 363. ISBN 978-1-61619-223-5. US\$75.00.

In the preface to *The History of the Law of Landlord and Tenant in England and Wales*, Mark Wonnacott describes his book as “a practising lawyer’s chronological account of what the law on each point of importance was in the past, and how, when and why it changed.” The reader does well to take this statement literally, lending more weight to the words “how” and “when,” as Wonnacott’s explanations of the “whys” are not as enlightening as he would have the reader believe. Wonnacott’s admittedly positivist approach makes this less of a window into the purpose of landlord tenant law history, and, instead, more of a just the facts chronicle of the how: a statute was passed and a decision was rendered. There is no exploration of why various statutes took their sequential forms. Rather, Wonnacott fares better in imparting the logic behind the court decisions. Too often, however, the explication in the text is limited to the verdicts, with the actual discussion of each verdict consigned to the extensive and well-researched footnotes.

As a guide to when and how the law has changed, Wonnacott has written an excellent, highly detailed work that relates and explains the salient points of law. This is not, however, a book for the casual reader looking for a narrative history. Wonnacott provides no through-line, no thesis, and no conclusion. A reader without a background in property law would experience difficulty navigating what for practicing attorneys is already murky water. In other words, while this text cannot serve as an introduction to property law, as Wonnacott stated, it is a highly useful means for the practicing attorney with a background in property law seeking to understand specific points of landlord tenant law.

The guidebook approach is evident in the structure of the contents. Instead of a chronological approach, chapters are divided by issues that are characteristic of an estate, with chapter titles such as “Grant and Conveyance,” “Derivative Interests,” “Covenants and Contractual Promises,” and “Transmission and Disposition.” Wonnacott’s positivist, non-analytical approach to the main text works well for the reader looking for an explanation of what the state of law was at any point in time. Wonnacott’s best chapters include those involving actions such as “Covenants and Contractual Promises” and “Transmissions and Dispositions.” The subject matter lends

itself to a more contextual description, which helps to frame the issues much better than in the earlier chapters.

The arcane, complex nature of the English property system is on full display in the definitional chapters. Wonnacott makes quick work of archaic terminology and then contextualizes the terms in a way that is long on logic but short on examples, which instead the reader must draw from the annotations or parenthetical clarifications. It becomes clear, however, that Wonnacott has written in as succinct and clear prose as possible given the complex nature of the subject matter. For example, his chapter on “Derivative Interests” begins with a simple definition of an underlease: “An underlease is a lease which has, itself, been granted out of a lease.” This simple sentence leads to five full pages explaining both how this came to be and how the rules functioned during every period since the creation of the term up to the present day. This system is invaluable in imparting a full understanding of the system as it evolves. While this volume does a remarkable job of relating a vast amount of information, the reader may have been served better by a larger, multi-volume treatise that would allow for less of a guidebook structure, and more of a narrative history approach. The compactness of Wonnacott’s prose combined with the depth of the information has rendered this volume a density that may be daunting to those unfamiliar with both property law and with British history.

Another virtue of this text is its research. This is most evident in the annotations. For the readers seeking to understand the whys and wherefores of the changes, they cannot afford to skip the footnotes. It is in the footnotes that the full background and context for each decision is related and explained. Many footnotes cite decisions that are difficult if not impossible to find in most libraries in the United States, or even in online sources. Wonnacott both provides the reasoning behind the verdicts and also places these decisions in a larger template that shows how each decision relates to the other and to the statutory structure and to common usage.

Wonnacott’s erudition is evident, if a bit overwhelming when combined with his compact method of relating information. This book would be invaluable to anyone with a solid background in property law seeking to learn more about particular aspects of historical or archaic property law, or for historical researchers looking to understand the legal context of historical events. It is not, however, to be used for beginning research, as this volume is too slim and efficient to convey the full depth and breadth of its subject.

Dan Blackaby
Technology Services Librarian
Cornell Law Library
Ithaca, NY USA