

tute's draft penal code which has now become an indispensable adjunct of any serious study of the criminal law. Whilst I wholeheartedly applaud the authors' zeal for penal reform, I must conclude with the hope that it will not be all the readers of this excellent book who agree with the suggestion on page 340 that I may have unwittingly obstructed a reconsideration of certain aspects of the law of larceny: 'It is difficult to see how Dr Williams and Dr Cross expect such a reconsideration to occur so long as they are willing to indulge in elaborate arguments with a view to reconciling the cases'—and to think that Mr Waller was a pupil of mine! Surely the attempt to reconcile the cases is the first duty of every law student.

RUPERT CROSS*

Cases and Materials on Private International Law, by EDWARD I. SYKES, B.A., LL.D. (Melb.). (Law Book Co. of Australasia Pty Ltd, Sydney, 1961), pp. i-xxiii, 1-908. Price £5 5s.

Professor Sykes is one of the most prolific and learned of Australian legal writers; and the range of his scholarship is remarkable. His casebook is a very acceptable tool for this teacher of the Conflict of Laws, and, I should hope and think, for teachers of the Conflict of Laws throughout Australia. For a long time the Conflict of Laws was taught in Australian schools from English texts and largely from English materials, and there was little awareness that there might be distinctively Australian problems to the solution of which materials drawn from other jurisdictions, and particularly from the United States, might prove helpful guides.

In the preparation and selection of his cases and materials, Professor Sykes has consulted with other teachers in this country and the materials in part therefore reflect an acceptance of their judgment. The inclusion of some cases may therefore evidence a yielding to the judgment of a 'giant' customer, and if the choice does not find universal favour, the fault is not necessarily with Professor Sykes.

The book contains as well as cases and statutes, brief introductory notes, some short reprinted readings, digests of cases not printed in full, references to writings, and questions. The range is wide, the selection of materials very good, and the book provides Australian teachers of the subject for the first time with a case-book which is planned to satisfy their distinctive needs. The best English case-books have been very useful indeed, but the most cursory comparison with this book demonstrates that Sykes is what has been needed in Australia.

This reviewer confesses himself well satisfied with the choice of cases. So much depends upon an individual approach to the subject, and one who works with a case-book inevitably asks of the author's planning: 'Why did he arrange the cases like that?' Or, 'why has he edited this case so liberally and that one, seemingly more important, so severely?' But in a book which is generally so satisfactory and so useful, these criticisms detract little from the over-all achievement.

The preparation of a case-book is an ungrateful task. While so much of the final result is not the author's work, but is the text of the case and the statute, the burdens of editing, selecting, rejecting and organizing are immense. In very recent years, the case-book has come to Australia, and in the last few months almost, it seems, in an avalanche. To the present

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reviewer the availability of *Sykes* is a boon. There is a great debate over case-books and case methods; and there are various ways of putting a case-book to use. For me, anyway, *Sykes* has furnished the means of teaching a course in the Australian conflict of laws which is tougher, deeper and, so far as I can judge after fairly long experience, appreciably better. For this I am profoundly grateful.

ZELMAN COWEN*

The Law of Real Property in New South Wales, by B. A. HELMORE, PH.D. (Lond.), LL.B. (Lond.). 1st ed. (Law Book Co. of Australasia Pty Ltd, Sydney, 1961), pp. iii-xlix, 1-601. Price £5 5s.

The law of real property of the state of New South Wales combines the foundation of the rules of English common law and equity introduced in the early days of settlement and a formidable superstructure of statutory law which has often diverged from English developments. To give an account of this law is a major task, but the practitioners of New South Wales have for many years had the assistance of *Millard's Law of Real Property in New South Wales*, of which Dr Helmore has in recent years been the editor. Now Dr Helmore has prepared a new treatise on the subject, intended to replace the earlier work which in Dr Helmore's view has outlived its usefulness. Only the chapters on those esoteric creations of statute, tenures of Crown lands and interests under the Mining Act, are taken substantially from Millard.

This new work will be a most welcome companion to the conveyancer and property lawyer of New South Wales. It sets out clearly the basic rules of common law and equity which have developed in the various fields of real property law. It then gathers and summarizes the multifarious provisions of statutes which operate in these fields. The latter task, in view of such statutes as the Real Property Act 1900, the basis of the Torrens System of registration of title, the Conveyancing Act, 1919 and the Registration of Deeds Act, 1897, is a task of a magnitude equal to that of stating the underlying common law and equitable principles. The relevant case law is gathered, mainly by way of footnotes, and the present areas of uncertainty are pointed out and discussed. An additional assistance to the practitioner is provided by reference to the practice of the Registrar-General in areas where this is relevant.

The very magnitude of the task attempted by this work has of necessity led to a compressed statement and discussion of principle in many areas of difficulty. As the work is offered to students as well as practitioners, it should be observed that in such areas there appears to be insufficient exposition and discussion of examples for the purposes of a satisfactory students' text. For example, the rule against perpetuities occupies only eight pages of discussion in the text, with which may be compared the three hundred and twenty-seven pages of Morris and Leach upon the rule.¹ Such areas of notorious student difficulty as the effects of the operation of the rule upon legal contingent remainders or special powers of appointment seem to require a fuller exposition.

Again Dr Helmore keeps his discussion of the feudal background and historical development of real property law to a minimum. His main purpose of stating the present law makes this necessary. But for an en-

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¹ Morris and Leach, *The Rule Against Perpetuities* (1956).