

The final point concerns the rule concerning unitary domicile between husband and wife. Here the author lays a heavy hand upon this "rigid rule", "demonstrably out of touch with social realities", "legal doctrine which is socially indefensible and which produces absurd and artificial conclusions".²⁶ However, it is surely old-fashioned, except during a short dark age in Victoria,²⁷ to call the rule of common domicile "absurdly inflexible".²⁸ Since the genius of the English common law revealed itself in the decision in *Travers v. Holley*,²⁹ the conservative approach, which had hitherto resisted any attempts to railroad the law into acceptance of separate domiciles,³⁰ has been well justified. Besides, it is hardly fair to call the doctrine "socially indefensible" in a *bene concordans matrimonium*. Lastly, Professor Cowen states the following case to show that the law is still incomplete. "If", he states,³¹ "husband and wife are resident in Victoria, yet domiciled in New South Wales, and husband deserts wife, she cannot petition in a Victorian court." Now the first rejoinder to this is "Neither can he!"; but the second is that after one year's residence in Victoria, not an arduous requirement, they can both avail themselves of the provisions of the federal legislation;³² and, since in the next paragraph this legislation is mentioned without reference back to the hypothetical case, the example becomes needlessly ambiguous.

In conclusion, therefore, it must reluctantly be stated that this work, though useful as a sketch for Australian readers, is not really likely to achieve its wider aim. It does not give an adequate picture of the existing law and, in places, it seems to exaggerate the significance of such variations as do in fact exist.

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No Moaning of the Bar, by "Geoffrey Lincoln", London, Geoffrey Bles, Ltd., 1957. 153 pp. (17/3 in Australia).

In a review of one of the author's early novels it was written that he liked "nothing better than to be turned loose among a crowd of eccentrics". This, whether it be taken as a criticism or not, must also be said of the present work, for surely it would be hard to find a more tightly packed collection of legal eccentrics than within these pages. Some of them, of course, have seen the light before, the most amusing being the Mrs. Pembury of Bayswater Bridge Road who desires to upset her uncle's will and who is, to this end, receiving instructions from the deceased *via* a spiritualist society. The others, however, are of a pedestrian character, though the author's humour usually rises above and beyond his characters. Much of what he relates and many of the scenes he paints are only capable of appreciation in their original setting, particularly Bleeker's Coaching School at Swiss Cottage with its Indian students and the "rather old Air Vice-Marshal who has come to the Bar rather late in life". This, like many of the better parts of the book has not been chosen as a subject by the illustrator. Indeed the illustrations, which are of the cross-hatching variety favoured by Edward Ardizzone, are a disappointment. A point of interest here is that the illustrator's name appears only on the dust-jacket,

²⁶ At 33, 34, 54.

²⁷ See *Fenton v. Fenton* (1957) V.L.R. 11, criticised in (1958) 2 *Sydney L. R.* 602, and hastily, though somewhat inadequately adjusted by statute, Marriage (Amendment) Act, 1957 (Vic.), No. 6186, discussed by Professor Cowen in (1958) 32 *A.L.J.* 102 ff.

²⁸ At 55.

²⁹ (1953) P. 246. Apart from some unsolved difficulties concerning the form as opposed to the substance of the provisions to be compared (e.g. *Dunne v. Saban* (1955) P. 178, comparing the law of Florida — not, as in the present work, Idaho (p. 57)), *Travers v. Holley* has clearly given new opportunities to the courts.

³⁰ Which, of course, bring their own difficulties, as Professor Cowen appreciates (see p. 54).

³¹ At 54-55.

³² Matrimonial Causes Act 1945-1955 (C'wlth.), Pt. III.

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though he receives a consolation in being listed, along with the author, (using both his real name, and his *nom-de-plume*), among the occupants of the chambers whose entrance is pictured on an early page.

Finally, it should be stated that there are a surprising number of misprints in so short a work. The present reviewer found the following, Bologne (27), Punny Judgeship (31), gross point (37), ex parte (46), Melissand (49), macintosh (49), and baillee (119).

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BOOKS RECEIVED

- Barry, *Alexander Maconochie of Norfolk Island*, Melbourne, Melbourne Uni. P., 1958, £2/10/-.
- Blair, *The Commonwealth Public Service*, Melbourne, Melbourne U.P., 1958, 9/6.
- Conrad (ed.), *Conference on Aims and Methods of Legal Research*, Ann Arbor, Michigan Legal Publications, 1955, \$4.50.
- Copinger, *Copyright* (9 ed. F. E. S. James and E. P. S. James). London, Sweet and Maxwell, 1958. £7/12/6.
- Dacey, *Conflict of Laws* (7 ed. by J. H. C. Morris), London, Stevens, 1958. £8/8/-.
- Domke (ed.), *International Trade Arbitration*, New York, American Arbitration Assn., 1958.
- Jenks, *The Common Law of Mankind*, London, Stevens. £4/8/-.
- Law Quarterly Review, Index to Vols. 1-72 (1885-1956)*. 1957.
- Papandreou, *La Situation Juridique des Pêcheries Sedentaires en Haute-Mer*, Faculty of Law, University of Geneva, 1958.
- Portus, *The Development of Australian Trade Union Law*, Melbourne, Melbourne U.P., 1958. £2/17/6.
- Radzinowicz (ed.), *The Results of Probation: A Report of the Cambridge Department of Criminal Science*, London, Macmillan, 1958. £1/14/9.

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