

analogues, but this must mean that if he uses them he should do so as effectively and accurately as possible to illumine the problems of the Australian constitution and its interpretation. That is what the book is about.

A review properly pays tribute to Professor Lane's learning and his great capacity for work. The book contains much that is of great value. What disappoints me is the generality and the lack of cogency of some of the major critical analyses. That is not to say that there is not a great deal of good and well justified critical work. It is simply not sustained and I believe that the author is not at his strongest when he is on very important general ground. He makes statements which, I believe, will not stand up to analysis and documentation. I do not think that this is a nit-picking criticism. It is partly a matter of style, but it is more than that. In this respect, I think that this book needs reworking.

ZELMAN COWEN*

Conveyancing: Can you do it yourself? by M. A. G. Lidden, B.A., LL.B., and Ethel Bohnhoff. Pages: 1 to 63 (paperback) 1974 Angus & Robertson (Publishers) Pty. Limited. \$1.50.

I have on my bookshelf at home a guide to the layman to understanding the modern motor car. This is a valuable little book although of course I would never use it as the basis for any repairs which I might be tempted to carry out to my car. Were I so foolish as to attempt such repairs I would no doubt buy a complex motor manual of the type used by professional mechanics and endeavour to follow it. I would recognize that no simple book written in layman's language would serve as a sufficient guide to carry out any but the most elementary repairs. So it is that there is certainly a place in conveyancing for a book setting out in layman's language the outline of a simple conveyancing transaction. Such a book would include matter such as steps to be taken when looking for finance, dangers to be avoided when inspecting homes for purchase and the like.

To an extent the book under review would fill the bill as a simple introductory guide to laymen to conveyancing, and the book is at its best when it is dealing with matters such as those I have mentioned.

However, as is indicated by the title, the primary function of the book is to encourage the layman to do his own conveyancing at least in simple transactions.

I say simple transactions, because the book advises that a lawyer should be consulted if:—

- (a) The title to the land is Old System or the land is Crown Land.
- (b) The property is a Home Unit.
- (c) The Survey reveals "an inconsistency", (whatever that might be).
- (d) A purchaser does not "understand the full legal effect of" . . . his rights under a contract (the danger is of course that he may only think he understands).
- (e) A vendor wishes to draw up a contract for the sale of land.
- (f) A dispute arises.

It must be said in fairness that apart from sending the layman to a professional in these cases the authors are somewhat ambivalent even in other circumstances since they are at pains to point out the risks which a layman takes if he acts on his own although they do set out to suggest that in the

* C.M.G., B.A. (Hons.), LL.M. (Melb.); B.C.L., M.A. (Oxon.); LL.D. (Hong Kong); D.C.L. (Oxon.); Vice-Chancellor of the University of Queensland.

case of the purchase of a Torrens Title property at least a layman can satisfactorily do his own conveyancing.

While this proposition may in fact be true it is certainly not true to say that if he follows the advice given in this book he will do so efficaciously and without danger. Without wishing to particularize in any great detail, deficiencies and omissions spring to the eye.

For example, the purchaser is advised to consult various Governmental and Semi-governmental departments and authorities but is only given the merest smattering of advice as to how to interpret the replies to his enquiries.

Again nothing is said about Certificates under Section 317A of the Local Government Act 1919, or about the effects of Town Planning restrictions which may be crucial to a purchaser. Also, the possible detriment to a purchaser of the existence of a Water Board main sewer is not dealt with.

There are many other areas of a like nature which are simply not covered at all. In regard to purchases subject to a tenancy, for instance, the purchaser is given careful instructions as to how to require from the vendor and serve on the tenant a Notice of Attornment but next-to-nothing is said about the duty of the purchaser to check prior to completion the rights of a third party in possession to which he will take subject.

I must mention also a few curiosities: a purchaser is exhorted to search in the Causes, Writs and Orders Register, which, in New South Wales at least, no longer affects Torrens Title land; again a purchaser will look long and hard for a "Land Tax Department (Federal)". Finally a vendor if he includes in his particulars of title a mortgage and caveat (which are in fact to be removed on completion) he will hardly discharge his obligation to supply proper particulars of title.

To be fair I must say that I have looked at the book only from the point of view of New South Wales, as I am simply not qualified to speak in regard to other States; it may be that the book will have a better application in some other part of the Commonwealth.

However, for New South Wales, I regret to say that it will simply not serve as an accurate guide for people who attempt to do their own conveyancing. It will however, give the layman some idea of what is involved even in a simple conveyancing transaction and in certain areas, such as in regard to inspection of the property, it will give him advice which is too often overlooked by solicitors who tend to advise their clients only on what they would regard as strictly legal matters.

N. J. MOSES*

Equitable Remedies, by I. C. F. Spry, LL.D. Melbourne, The Law Book Company Limited, 1971, XLII and 571 pp. plus Index. \$18.60.

Dr. Spry's book, published in 1971, is an event of some importance in Australian legal publishing. It is a treatise not (as one might expect, from the title) on equitable remedies generally, but on the two main equitable remedies of specific performance and injunctions. Nothing comparable to it has been published in Australia since the appearance of Sir Frederick Jordan's *Chapters in Equity* more than forty years ago, and that is a book which is now both out of print and out of date. The need for a work like Spry's is immense, not only because there is no rival contemporary Australian work dealing with the subject but also because the English situation is almost equally unsatisfactory. When Dr. Spry wrote, the last edition of Kerr on *Injunctions* was forty years old and the last edition of Fry's *Specific Performance* was fifty years old. The last edition of Ashburner's *Equity* appeared in 1933. And the current

* B.A., LL.B. (Sydney), Solicitor, Part-time Lecturer in Conveyancing, University of Sydney.