

*The Construction of Deeds and Statutes*, by SIR CHARLES E. ODGERS (Sweet & Maxwell Ltd., London, 4th ed., 1956), pp. i-xxvii, 1-354. Australian price £2 9s. 6d.

This work was first published in 1939, and the fact that it is now in its fourth edition indicates that it meets a real need. Although a textbook alone cannot provide full understanding of the difficult art of legal interpretation, which can be acquired only by long practice, some clear statement of the relevant legal principles and the established practices of the courts must be available to the student. This book admirably serves this purpose.

The Victorian reader will find particularly useful, Part II which provides an excellent short account of statutes and their construction together with some useful discussion of delegated legislation, a section which has been expanded in the present edition. He should note that the rule discussed at pages 218-219 that marginal notes are not part of the Act applies with greater force in Victoria than in England in view of the Acts Interpretation Act 1928 s. 10 (Vic.) and the Acts Interpretation Act 1901-1950, s. 13 (Cth.). The doctrine enunciated by the House of Lords in *Barras v. Aberdeen Steam Trawling and Fishing Co. Ltd.*<sup>1</sup> which is treated at page 249 as if it were automatically applicable, has not always been applied in this way in Australia—see *Salvation Army (Victoria) Property Trust v. Shire of Fern Tree Gully*.<sup>2</sup>

Part I of the book dealing with deeds requires more caution in its application to Victorian law. Some of the Sections of the Law of Property Act 1925 (Eng.) have no Victorian counterparts. Thus part of the discussion of the *habendum* at page 147, which proceeds on the basis that the Statute of Uses has been repealed, is inapplicable in Victoria. Even where the English provision has been adopted it may not apply to land under the Transfer of Land Act 1954. Thus it is generally accepted that section 62 of the Property Law Act 1928 (the equivalent to the English provision discussed by Odgers at page 144) does not apply to registered land. See *Kirk v. Sutherland*.<sup>3</sup> Section 98 of the Transfer of Land Act 1954 makes partial provision for this problem when it arises in connection with the transfer of an allotment by reference to an approved plan of subdivision.

There is in Australia an important exception to the proposition that '... every man is ... free to call himself by what name he chooses' (page 97)—see the Aliens Act 1947 s. 11.

These slight differences in the law will not prevent the book being of considerable value to the Australian as well as the English student. The author indicates in his preface that he is not likely to be able to undertake a further edition, but no doubt new editions will be called for. It is suggested that the editor of a new edition should reconsider the proposition at page 114 that a conveyance for an immoral consideration 'is probably operative to pass the property conveyed, though it may be set aside and a reconveyance ordered', and that he should consider the advisability of including some mention of section 61 of the Law of Property Act 1925 (Eng.) and the companion provision regarding the interpretation of statutes which are surprisingly omitted from the present discussion.

A. L. TURNER

<sup>1</sup> [1933] A.C. 402.

<sup>2</sup> (1952) 85 C.L.R. 159.

<sup>3</sup> [1949] V.L.R. 33.