

appears on its pages. It is not, however, what the Americans would call a casebook, but rather a book of cases, and its approach is, in my opinion, basically one of reproducing authorities for easy consultation by the student. In refutation of this remark the authors might well point to passages where they have criticised some of the English decisions, but on the whole they treat these decisions as authoritative. One feature which must inevitably detract from its appeal to Australians is the failure to include any extracts from the better known decisions of the High Court of Australia, let alone any Australian State Court. *The King v. Thomas* (1937) 59 C.L.R. 279, certainly rates a brief mention on page 94, but there is no reference to *The Queen v. Howe* (1958) 100 C.L.R. 448, or *Stapleton v. The Queen* (1952) 86 C.L.R. 358, to take only two other of the major High Court decisions. This is a pity, for courts of criminal appeal are not bound by their earlier decisions, and it is at least conceivable that if the more important Australian decisions were more widely known in England, the English Court of Criminal Appeal might be willing to reconsider some of its existing doctrines.

At the present time, the costs of printing and publishing a law book are such that it is impossible to produce a relatively inexpensive volume which, at the same time, adequately reproduces a large number of cases. Professor Elliott and Mr Wood have met this problem by editing a large number of the cases reproduced almost out of existence, and I would venture to suggest that one would produce a better book by including fewer cases but longer extracts from the cases reproduced. Occasionally, the editing produces some curious results. It is by no means clear, for example, that *Rex v. Bailey* (1800), R. & R. 1, is authority for the proposition that ignorance of the existence of a statute does not excuse a person who offends against that statute, although the extract of the case makes it appear that this is its result. Again, at page 215, the speech of Lord Tucker in *Board of Trade v. Owen* [1957] A.C. 602, is heavily cut and unfortunately omits his scathing reference to *Regina v. Whitchurch* (1890) 24 Q.B.D. 420, which itself appears on page 221. All in all, however, this volume will provide a useful quick book of reference to most of the well-known English decisions and to some of the more important literature in the field, and on these grounds alone, if no other, its appearance is to be welcomed.

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The Life and Death of John Price: A Study of the Exercise of Naked Power, by The Honourable Mr Justice JOHN VINCENT BARRY. (Melbourne University Press, 1964), pp. i-xiv, 1-204. Price £2 10s.

John Price was born in England in 1808 and murdered in Victoria in 1857. In the intervening forty-nine years he played a prominent part in the administration of penal establishments in Van Diemen's Land, Norfolk Island and Victoria. Against stiff competition he acquired an outstanding reputation for cruelty. His eventual murder at the hands of some of his victims was well-merited. This biography of John Price, as one expects of the author of *Alexander Maconochie of Norfolk Island*, is a fine piece of work. Within the limits of the subject-matter, and except for a small number of obvious and trifling inaccuracies listed in an errata slip,

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the book displays every virtue. The material from which it is drawn is organized, with many striking quotations, into a continuously interesting narrative. A sense of immediacy and contact with the events related is sustained throughout. These events are dramatic and horrifying, and dismally familiar in character. The history of man's treatment of his fellow-men is for the most part disgusting. John Price's contribution is no exception. He is entitled to be remembered as a most dedicated tormenter.

The method adopted by the author to infuse life into his material is in principle the same as in *Maconochie*. The central figure is presented in the context of a theme or idea, in this case cruelty, which serves not only to give the story of his life and work a greater coherence and more compelling interest than a mere chronological narrative, but also to convey to the reader the relevance and significance of the life described to the lives of us all. One of the many reasons why *Alexander Maconochie of Norfolk Island* is an outstanding book is that it uses the life and achievements of a great practical humanitarian as a context in which to convey to the general reader the importance of some basic principles of enlightened penology. There is never any lack of support for the view that the more severely society treats its criminals the fewer criminals there will be. The strength of this opinion is that since it is merely a rationalization of fear it tends to remain unshaken by contrary evidence unless that evidence is presented in a comparably dramatic form. This is not an easy thing to do. Fiction and drama are obvious media for the transmission of social messages but so far as penology is concerned the degree of inventive literary skill required is not often found in combination with adequate penological expertise. *Maconochie* is a striking demonstration that in the right hands biography can become an equally potent instrument of education.

In this sense *The Life and Death of John Price* is a less successful book, although as a demonstration of the art of biography not less skilful. To be wholly successful a biographer has to achieve a degree of identification with his subject. To do this he needs a capacity for human sympathy. No-one with such a capacity could possibly identify with John Price. A wholly successful biography of such a man is impossible. The ground is too arid. The next-best alternative is to present him as a clinical phenomenon, a symptom of the evil of which man is capable, and try by telling his story as dispassionately as possible to convey to the reader some of the realities of unfettered cruelty. This is what Sir John Barry has done in *The Life and Death of John Price* and he has done it to powerful effect.

The sequence of the book is chronological. Price's life in Australia falls conveniently into three parts: 1836-1846 in Van Diemen's Land, where he became a magistrate; 1846-1853 on Norfolk Island, where he was Commandant; and 1854-1857 in Victoria, where he was Inspector-General of Penal Establishments. After an introductory chapter giving his family background, chapters 2, 3, and 4 are devoted to Price's career in each of these places respectively. Chapter 5 describes his murder and the trials before Sir Redmond Barry (to whom the author is not related) which followed. Of Sir Redmond's method of conducting these trials, incidentally, one can say only that John Price surely would have approved. Chapter 6 analyses the legends which grew up around Price's name, some of them, such as his reputation as a disciplinarian, even during his own lifetime. Chapter 7 is a brief but effective excursus on cruelty. There are three appendices. The first is an analysis of Henry Beresford Garrett's unpublished essay on Price entitled *The Demon*; the second a reprint of