

decisions of such tribunals,³ Mr Young's work is therefore most timely. He traces the development of both case and statute law and then proceeds to deal in detail with the numerous situations in which declaratory relief is available. There are chapters on Public Law, Administrative Review, Review of Judicial Decisions, Contracts, Conveyancing Matters, Leases and Mortgages, Master and Servant, Companies and Unincorporated Associations, and Crime and Tort. Each chapter is divided into numbered paragraphs. In the chapter on Public Law, for example, paragraphs are devoted to the constitutional validity of federal and state Acts, the rules of private bodies, trade unions, universities, church mergers, and so on. This form of presentation is becoming increasingly common. It has the advantage of facilitating easy reference for the hardpressed practitioner but it also militates against fluency and depth of analysis of concepts and cases. To some extent Mr Young overcomes these problems by including additional chapters dealing with the future development of the law on declaratory orders and the relationship between the declaration and other remedies.

Of particular interest is the suggestion that following the decision of the New South Wales Court of Appeal in *Dickinson v. Perrignon*⁴ declarations are an alternative to the writ of mandamus and that in view of the technicalities which surround the granting of mandamus, declaratory orders can be expected to take over the area previously occupied by that writ. Similar predictions are made in relation to the writs of certiorari and prohibition. There are many lawyers who hope that these predictions will prove correct. If they are, the book is destined to appear on the shelves of most practising lawyers.

Two other matters warrant mention. The first is that the value of the book is enhanced by extensive references to the decisions of courts in other Commonwealth countries, South Africa, Ireland, and the United States. The second is the appropriateness of the choice of Sir Laurence Street, Chief Justice of New South Wales, to write a preface to the work. No other Australian judge has done as much as His Honour to establish the jurisdiction to make declaratory orders as the 'large and most useful jurisdiction'⁵ it has recently become.

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Cases and Materials on Equity, by J. D. Heydon, W. M. C. Gummow and R. P. Austin, (Butterworths Pty Ltd, Australia, 1975), pp. i-xxx, 1-398. Recommended Australian Price \$15.00.

This casebook which follows a number of recently published texts dealing with principles of Equity, serves as yet another reminder that Equity is not concerned solely with trusts and the administration of estates; it recognizes and meets the day to day needs of the commercial community, something which the Common Law and even the Law Merchant did not always do.

The book consists of a collection of cases, comments and questions relating to the various principles of Equity. It also contains criticisms of approaches taken by some of the Judges in the application or interpretation of those principles, most of such criticisms being constructive whilst others are somewhat exaggerated. The comments are, in the main, thought provoking, yet there are passages which raise issues that

³ See e.g. *Barnard v. National Dock Labour Board* [1953] 2 Q.B. 18; *Vine v. National Dock Labour Board* [1957] A.C. 488; *Pyx Granite Co. Ltd v. Ministry of Housing and Local Government* [1960] A.C. 260; *Ridge v. Baldwin* [1964] A.C. 40; *Forster v. Jododex Australia Pty Ltd* (1972) 127 C.L.R. 421; *Dickinson v. Perrignon* [1973] 1 N.S.W.L.R. 72.

⁴ [1973] 1 N.S.W.L.R. 72.

⁵ *Sterling Nicholas Duty Free Pty Ltd v. The Commonwealth* (1972) 126 C.L.R. 297, 305 per Barwick C.J.

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defeat the authors' stated claim that they do not intend to refer the reader to or bother him with some of the seemingly conflicting rules of Equity.

Although the book is divided into four parts, consisting of 24 chapters, it deals primarily with three topics, the basic concepts of Equity, the assignment of property and the relief provided by the Courts of Equity. More than half of the book is devoted to the principal grounds on which relief may be granted and to some of the more important remedies provided by Equity. The authors have apparently recognized the impossibility of including in a casebook all the relevant cases that deal with those areas of the law and have sought to do no more than illustrate the main aspects of the relief and remedies afforded by Equity. In their endeavour to be brief, however, they have stated a few propositions which tend to appear somewhat misleading, as for instance, in the chapter dealing with Rescission and in the discussion concerning *Walsh v. Lonsdale*.¹

There are three general reservations that one can discern about this book. The first is that it is highly doubtful if the principles of Equity can be properly studied by concentrating almost essentially on the casebook method. That is not to suggest that the authors advocate that the casebook method should be used to the exclusion of other tools used by the teachers of law. In any event, the extracts from the cases are often too short and on occasions do not give the full context in which the relevant principles are declared by the Judges.

Secondly, because the book is intended primarily for use by students, the authors have preferred to be dogmatic in some of their comments and to illustrate certain propositions by judgments which leave little or no room for qualifications. Although that approach may assist the student, in as much as it relieves him of the need to be concerned with subtle distinctions often in areas of apparent contradiction of principles, it is doubtful that in the long run the student is best served by this sort of protection. One of the greatest virtues of Equity is the flexibility of the relief afforded by it to litigants. This has sometimes led to the often unjustified claims that there is inconsistency between various judgments and principles. Unless the student appreciates these matters from the outset he may have difficulty later in applying the rules of Equity to the best advantage of his clients.

Thirdly, a matter which was no doubt beyond the effective control of the authors, namely, the print used to re-produce the extracts from the various cases. Unfortunately, the print is so small that the reading of these extracts is made very difficult.

Often casebooks are of use in the practice of the law and there is little doubt that if the main topics chosen by the authors had been dealt with more fully, the casebook would have been of real value to the practitioner. Indeed, as it now stands, and despite the fact that the authors intended the book to be used essentially by students, it is of use to lawyers who practise in fields where equitable principles and relief are invoked.

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Brett and Hogg, Cases and Materials on Administrative Law, by Richard R. S. Tracey, assisted by Edward I. Sykes, (3rd ed., Butterworths Pty Ltd, Australia, 1975), pp. i-xxxvi, 1-517. Recommended Australian Price \$20.00.

The practising lawyer uses a textbook as the starting-point to research. He expects to find the author's view as to what the law is stated succinctly and certainly with foot-note references supporting the conclusions drawn. He may then refer to the

¹ (1882) 21 Ch. D. 9.

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