

Turning to the second consideration of comparison a quick check of the table of cases shows that approximately fifty new cases appear in this edition and a further quick check with the text shows that practically all of these appear by way of annotation only. The *Suisse Atlantique* is the only case to receive extended treatment whilst the almost reluctant mention of *Koufos v. Czarnikow* [1967] 3 All E.R. 686 is plainly inadequate. Again, as random examples, the case of *Tingey and Co. Ltd. v. John Chambers and Co. Ltd.* [1967] N.Z.L.R. 785 has considerably more import than the three lines devoted to it on page 304 would indicate and the bare reference to *Council of the City of Sydney v. West* (1965-66) 39 A.L.J.R. 323 and *Thomas National Transport (Melbourne) Pty. Ltd. v. May and Baker (Australia) Pty. Ltd.* (1966) 115 C.L.R. 353 for the proposition that "where what occurred falls outside the contract, the exemption clause does not avail the party in default" does not indicate the increasing use and importance of this approach to avoid exemption clauses. *Re Keever* [1967] 1 Ch. 182 appears unrelated to subsection 2 of Section 27 of the Bills of Exchange Act for which it is cited on page 372.

As already noted, most topics are tied to legislation and recent cases are not the only concern. The authors state in their introduction that the whole of the Insolvency, Chattels Transfer and Hire Purchase sections had been read and revised. Hire Purchase is a particularly fertile field for legislation and the amending regulations are duly noted, as also is the Door to Door Sales Act 1967. The Door to Door Sales Act is, however, noted and no more—it appears in the list under Summary of the Provisions Relating to Customary Hire Purchase Agreements on page 540 but is not mentioned again. There is little that is new and no change in the treatment of the subject. The only real revision in Chattels Transfer is the annotation of the different effect of the Insolvency Act and the close adherence to the old text is painfully demonstrated at page 509, where the reader grinds to a halt on reading "In the second place . . ." and looks back for "In the first place . . ." He will find it in the former edition.

As noted above, the Insolvency Act is still not in force and the book is still in the remarkable position of being ahead of its time in the whole of its consideration of the Act. It is the largest single topic covered and with its delay in coming into effect goes much of the need for this as a replacement text.

It is emphasised that the particular points of criticism are offered with full appreciation of the large and generally well executed task the authors have undertaken. The task must become increasingly difficult as the body of law particularly in such subjects as hire purchase grows.

N. A. Carroll

INDUSTRIAL LAW IN NEW ZEALAND, Volume I, by D. L. Mathieson. Sweet & Maxwell (N.Z.) Ltd., 1970. xlix and 465 pp. (including appendices and index). New Zealand price \$15.00 (cloth), \$13.00 (paper back).

This is Volume I of a two-volume account of Industrial Law in New Zealand. The sheer size of the first volume, and presumably also the second, gives the lie to those who deny that Industrial Law is but an esoteric branch of the law with no justifiable place in a crowded LL.B. syllabus. It may be true, as the author points out in his preface, that

there is debate as to the boundaries of the subject but this cannot detract from the undoubted existence and importance of the subject. It is also true that some branches of Industrial Law are familiar under different headings—notably master and servant—and that other areas are of recent origin and therefore fall outside the general knowledge of most lawyers. It is in opening up many of these latter areas that Professor Mathieson has best served the legal profession in his work.

The contents of the volume reviewed are as follows:

- (1) The Contract of Service, including the law distinguishing the contract of service and the contract for services.
- (2) Status and registration of Trade Unions.
- (3) Internal administration of Trade Unions, including membership, union elections, and financial administration and accounts.
- (4) Trade Union Powers.
- (5) The Jurisdiction of the Arbitration Court and Conciliation Councils.
- (6) Conciliation and Arbitration, with reference to procedures.
- (7) Awards and Industrial Agreements, including their nature, interpretation and enforcement.
- (8) Apprentices.
- (9) Wages, including deductions, the duty to pay and recovery.

Volume II, we are told in the Preface, is to cover the more technical statutory law, such as the Factories Act 1946 and the Shops and Offices Act 1955, as well as containing a chapter on what the author describes as “Industrial Warfare” (strikes, lockouts, disputes committees, etc.). Presumably, the economic torts will be discussed here, with, one hopes, special emphasis on the important and interesting judgments of Speight J. in *Pete's Towing Services Ltd. v. Northern Drivers' Union* [1969] N.Z.L.R. 32 and *Flett v. Northern Drivers' Union* (as yet unreported and therefore possibly given too late for inclusion).

Professor Mathieson began his work in 1964 and the years that have passed since then have been worth the bearing for Volume I is indeed an impressive treatment of the topics outlined above. It is not only accurate and well-documented but extremely readable in addition. In the best academic traditions, he does not shrink from stating what he thinks the law ought to be in certain areas and the jurisprudential aspects of the subject are not neglected either. A good example of a combination of both these facets is his treatment of the legal status of a trade union. With particular reference to *Bonsor v. Musicians' Union* [1956] A.C. 104, he concludes:

Either [a trade union] is a legal person or it is not. There is no third possibility, and the concept of a ‘quasi-corporation’ is therefore unnecessary. Moreover, it does not help to solve the practical problem; will this or that right be attributed? Will this or that duty be imposed? It remains to be seen whether the English courts will accept the analysis here offered in the future. It is only too possible that they will develop the notion of a ‘quasi-corporation’. Equally, they may elect to proceed entirely pragmatically, without carrying theory beyond the obscure answer in *Bonsor's case*. [page 109]

When all due credit has been given, however, for the splendid book that Professor Mathieson has produced, it must still be admitted (to this reviewer in any event) that it somehow fails to satisfy completely. One is left with the feeling that this is an excellent lawyer's book but that this is not a subject where the law dominates. To be fair, the author acknowledges almost as much when he says in his Preface:

This book is not intended to be a detailed account of industrial relations. Much more fact-gathering needs to be undertaken before such an account could be written. Nor is it an essay in labour economics . . . or a history of the political and industrial labour movements.

But when that has been said, there is nevertheless a strong impression which must be retained by anybody with any working knowledge or experience of worker-employer relationships that this book gives by its very nature a one-sided view only of the global picture. The chapter on "The Industrial Process" illustrates the point. In the thirty-five odd pages, the author looks in great detail at the legal aspects of the jurisdiction of the Conciliation Councils and the Arbitration Court as well as the legal rules of judicial review. Two pages only are devoted to collective bargaining and work-place bargaining. In these two pages, the author appears to display a sound grasp of the nature and effect of these aspects of the Industrial Process but, in looking at the Industrial Process, it is surely clear that the proportions ought to be reversed and, even in a lawyer's book, thirty-three pages given to collective and informal bargaining. The judgment of Geoffrey Lane J. in *Ford Motor Company v. A.E.U.F.W.* [1969] 2 Q.B. 303 shows how necessary it is for lawyers to be aware of, and knowledgeable in, the practices and customs of industry in order to arrive even at a correct legal solution. That case concerned the legal enforceability or otherwise of a collective agreement and the Judge examined the "climate of industrial opinion" as revealed in the industrial practice in determining the intentions of the parties. *Pete's Towing Services* too shows an awareness—in that case—by the Judge of the industrial realities and of their relevance to a finding of justification as a defence to the tort of inducement of breach of contract.

It is to be hoped therefore that Professor Mathieson might one day find the time to do the necessary "fact-gathering" and to produce a third volume to the excellent work he has produced to date.

J. A. Farmer

OUTLINE OF LAW IN AUSTRALIA, by John Baalman, Barrister-at-Law. Third edition by Jean Malor, Barrister-at-Law. Sydney: The Law Book Co. Ltd., 1969. vii and 257 pp. (including index). New Zealand price \$6.85 (cloth), \$5.00 (paper back).

In the preface to the first edition of this work, written in 1946, John Baalman made the comment that for the seeker after general knowledge, law is perhaps the least accessible of all subjects. Since 1946 a great number of books about law and about various branches of law have been written for the man in the street: but *Outline of Law in Australia* is still one of the best of them. John Baalman's style is vigorous, astringent, and stimulating, so that one of the principal virtues of his book is that it holds the attention of the reader and excites his interest.

The book was not written merely as a primer for law students. Indeed, it could hardly be recommended as such. The fledgeling law student needs, not a general picture of the various divisions of the law, but rather an introduction to the organisation of the courts and the profession, to the use of the tools of his trade—the statutes and the law reports—and to the techniques involved in using statutes and cases to find the law and to develop a legal argument. *Outline of Law in Aus-*