

The Law of Banker and Customer in Australia, by J. K. MANNING, Barrister-at-Law, and DOUGLAS FARQUHARSON, Chief Security Officer, Bank of New South Wales; pp. xv., 415; Index 417-432. 1947. The Law Book Co. of Australasia Pty Ltd. £2/0/0.

Any study of the legal rules relating to the business of banking must be concerned principally with three topics—the nature of the contractual relationship between bankers and their customers, mercantile documents (especially cheques and bills of exchange) and securities for the repayment of loans of money. These matters do not of themselves form a separate branch of law as do, for example, the rules relating to Bankruptcy or Companies, and are considered in the more comprehensive works on such subjects as Contracts and Mercantile Law. However, the important position which banks now fill in the community and the many special features of transactions to which they are parties justify their forming the subject matter of a special work on what may properly be called the “Law of Banking.”

They are clearly and concisely discussed in the present book in a style which should make it of material assistance to business men as well as lawyers. In addition there are included some notes on legal rights and remedies, the law of persons and personal property, money and documents of credit and a short account of the history of banking in Australia. Generally the authors are concerned to expound principles and not to annotate special statutory provisions.

For lawyers the chapters on cheques and bills of exchange contained in Part III. will probably prove most valuable since they contain a full and up to date statement of the rules relating to these instruments, but Part II. on “The Bank and the Customer” in which the special features of the relationships between bankers and persons dealing with them are discussed and Chapters 17 and 18 on branch banks, which form a special feature of Australian banking practice, and the powers and authority of bank officers also merit close attention. Of a more elementary nature are the introductory section and Part V. on “Guarantees and Securities” which are apparently designed for lay readers, but here too the authors’ clear and direct style will commend itself to busy practitioners in search of a compendious statement of the law.

Some authoritative guidance in solving the problem, discussed in Chapter 4, of defining the precise limits of banking business should come from the judgments in the *Bank Nationalization Case*, the hearing of which was commenced after the present work was completed, whatever may be the final decision as to the validity of the legislation there in question. Should, however, the *Banking Act* 1947 be found to be valid its effect in transferring all banking business (whatever may be included within that term) to a government authority must produce in time many fundamental changes in the banker-customer relationship which, for the reason indicated, are not considered in the present work. This is probably fortunate since such changes will not become clear for some considerable time and opinions given on them at present must be largely speculative. In the meantime the existing principles which are here

stated will continue generally to be in force and to provide the basis of future development.

The authors of the present work have not sought to engage in controversy. They state the established law concisely and indicate doubtful points without entering into a detailed discussion of their solution although they do not hesitate to express their opinion where that seems desirable. This is a wise course to follow in a book which is intended for a wide circle of readers. They refer, without indulging in an excess of footnotes, to the more important authorities both Australian and English and their quotations are apt and as extensive as the circumstances require. They also indicate relevant statutory provisions, but it would be an improvement if in subsequent editions more exact reference were made to the statutes of the various states (see, e.g., the not very helpful reference to the *Infants Relief Acts* on pp. 77 and 292.¹)

The index appears to be comprehensive and the cross-references adequate; useful appendices contain the full texts of the *Commonwealth Bank Act* 1945 and the *Banking Act* 1945. The printing and general presentation is good. This is a practical and well written book and should form a useful addition to any good legal or commercial library.

E. N. B.

(1) In Victoria, Supreme Court Act 1928, ss. 69-71.

Students' Conveyancing Precedents, by P. MOERLIN FOX; pp. 1-84. The Law School, University of Melbourne. 12/6.

The appearance of this booklet of *Students' Conveyancing Precedents* from the pen of the recently appointed lecturer in Conveyancing has been happily timed to coincide with the somewhat belated recognition of Conveyancing as a subject worthy of independent status in the curriculum of the Law School. For most law students the study of the principles of real property has had its prime significance in fitting them to be practical conveyancers, but the composite subject "The Law of Property in Land and Conveyancing" hitherto covered in a one year course of lectures has perforce relegated Conveyancing to the neglected condition of a Cinderella.

As its title indicates, this book of precedents is designed for students' requirements. A book of unrelated precedents makes dull reading. Alive to this danger the author has skilfully connected the precedents to tell a story. The hero is Richard Roe. Becoming a landed proprietor in 1939, our hero proceeds thereafter until his death in 1946 to exhibit a commendable zeal for dealing with his land. These activities, stimulated as they are by marriage to a prudent wife and a trip overseas, allow the author to illustrate the commoner and more important dealings with land by appropriate precedents arranged in chronological sequence. Mr. Roe's death, though no doubt a shock to his recently acquired wife, proved a happy event for students, as it permits of further dealings, this time by his executor and his dutiful widow.