

to practise. Such a treatment would be of special value to the present writer who from time to time has occasion to advise persons in other States and overseas who are considering the possibility of practising law in Victoria. It would be very helpful to be able to refer these enquirers not only to the Rules, which are somewhat indigestible, but to a general description of the prerequisites to admission, in a book which might be available to them in a library in their own city.

It might further be suggested that the title of the book could without inaccuracy extend to the whole of the legal profession in Victoria. The present treatment in fact does cover both branches of the profession since the rules for admission to practise are the same for both barrister and solicitor and the rules of professional conduct applicable to the Bar, and the Victorian Counsel rules, are included in appendices. It may be admitted that the book will be of greatest importance to the Victorian solicitor since the new and complex rules are directed exclusively to him. It is not very likely that a barrister in Victoria, whose conduct is regulated by well understood traditional practices, will have occasion to refer to this book for guidance. However the utility of a book of this kind is not to be judged solely by the needs of local practitioners. It would be unfortunate if an overseas reader desirous of obtaining information on the position of barristers here should pass by this book, thinking, because of its misleading title, that it had nothing to tell him.

The new supplement adds a large number of annotations and amendments. In particular it includes the new rules concerning articulated clerks' courses which brought about substantial changes. These additions will add to the value of the work. It is to be hoped, however, that there will be no call to use the new forms on pages 15 and 16, dealing with claims by persons suffering loss from defalcations by solicitors or their servants.

A. L. TURNER

*Current Legal Problems*, 1952, vol. 5, ed. KEETON and SCHWARZENBERGER (London, Stevens & Sons, Ltd., 1952). Australian price £2 12s. 6d.

This annual volume of lectures delivered at University College London has become a welcome addition to law library shelves. Within very few years it has established itself as a work of permanent value. The 1952 volume is no exception: there are many interesting and important contributions. As in previous years the

coverage is wide: the studies range over the common law, equity, constitutional law, modern statutory developments, the civil law, and international law.

Lord Justice Denning's address, characteristically entitled "The Need for a New Equity", opens this volume. The learned author takes Sir Henry Maine's three avenues of legal progress: fictions, equity and legislation. He points to the rigidity often encountered in modern equity, to the great, though not always insuperable, difficulties encountered in securing legislative change, and observes that "we are much too realistic today to have recourse to fictions". To one who turns up the English statute book for 1950 and reads in s. 18 (3) of the Matrimonial Causes Act 1950 that "the issue shall be determined in accordance with the law which would be applicable thereto if both parties were domiciled in England at the time of the proceedings", it is a matter of some doubt whether fictions are quite as dead as the learned author would have them. Lord Justice Denning's conclusion is that the new equity may be found in the new spirit of legal inquiry which is abroad in the Universities.

In a short review it is not possible to do more than comment briefly on one or two of the essays. Professor Glanville Williams turns his extraordinarily versatile pen to the subject of the law of abortion and presents a very strong case for legal reform. Mr. Dennis Lloyd considers the recommendations of the Porter Committee in his lecture on the "Reform of the Law of Libel". He observes, with some force, that too much pity and sympathy is lavished on defendants, particularly press defendants, in defamation suits. There is much truth in his observation that "it seems to me entirely non-proven that the common law imposes in principle an unfair and unwarranted restraint on the press". This is an excellent study and merits careful consideration. Mr. Richard O'Sullivan contributes an interesting and attractively written paper on "Officialdom and Infancy". Among the international law papers there are useful studies of the work of the International Law Commission by Dr. Cheng and of "Legal Aspects of the Schuman Plan" by Mr. L. C. Green. Mr. Green issues a salutary warning on the multitude of international institutions which are in the making, or are on the drawing or at least on the talking board. "On the judicial level alone we have the World Court, and there is talk of an International Court of Human Rights, and now we have the Court of the European Steel Community. There is to be a Pleven Plan Court and probably another for European Agriculture. What is true in the judicial field is equally true in other fields. Until there is some central institution with power to co-ordinate this multitude of bodies, effort may be so divided as to achieve nothing."

The other papers in this volume are: "The Director as Trustee" by Professor Keeton; "Nationalisation in Legal Perspective" by Mr. Scammell; "The Law and Ethics of the Compulsory Acquisition of Land" by Mr. FitzGerald; "Hospitals and the National Health Service Act" by Dr. Marshall; "High Court Control of Inferior Tribunals" by Mr. Holland; "The 'Direct' Consequences of a Negligent Act" by Mr. Payne; "Hire Purchase and The Law" by Mr. Ivamy; "Roman Contributions to the Reform of English Law" by Mr. Powell; and "The Protection of British Property Abroad" by Dr. Schwarzenberger.

ZELMAN COWEN

*An Introduction to Evidence*, by G. D. NOKES, LL.D., of the Middle Temple and the South-Eastern Circuit, Barrister-at-Law; Reader in English Law in the University of London (Sweet & Maxwell Ltd., 1952), pp. xxxii, 427. Price £2 9s. 6d.

THERE are roughly two schools of thought when it comes to teaching the youngsters to swim. There is the traditionalist, who believes in throwing little boys into a pond and letting them dog-paddle their way out of it. That school is rather tending to lose favour and we incline now more to the view that it is better to have a child taught the fundamentals of swimming right from the beginning. Of course, a lot of very good swimmers learn to swim in the first place by being thrown into a pool and dog-paddling their way out of it. But if they want to get anywhere with swimming, sooner or later they have to set down to study the fundamentals of the art of swimming.

The "dog-paddling" theory was for many years the accepted theory in the field of evidence. Perhaps even today quite a few practitioners are learning the law of evidence by strictly "dog-paddling" methods.

One of the reasons for this state of affairs may have been the dearth of a really satisfactory text-book for students.

Text-books for the practitioners there are in plenty; Phipson, Taylor, Wigmore, Wills, Cockle, Best, Stephen's *Digest*, to cite only the better known among them. But there has been a corresponding dearth of text-books for the law student—a dearth which contrasts strikingly with the pre-eminence of text-books for students in other fields of the law. Anson's *Contracts*, Maitland's *Equity*, Hanbury's *Equity*, are all books which were designed primarily for students but which, because of their excellence in exposition, have become text-books for the practitioner also.

Perhaps the nearest approach to a student's text-book on the subject is Cockle's *Cases and Statutes*.