BOOK REVIEWS

The Queensland Solicitor's Manual. By William Kennedy Abbott Allen, B.A., Barrister-at-la . (Butterworth & Co. (Australia) Ltd., for the Queensland Law Society Incorporated. 1950. xix and 247 pp. £2/7/6).

The steadily increasi ıg regulation of social activities extends to the professions as well as to other occupations, but professional men who dislike socialism no doub take some comfort from the fact that in their case social control for the most part takes the form of self regulation rather than direct governmental control. The extent to which the Queensland Government is prepared to confer on professional bodies, legal and otherwise, who can be trusted to recognise the public interest, the duty and privilege of exercising the discipline deemed necessary, is indeed quite striking when one reflects on the matter. Lawyers, of course, even in the days when the policy of individualism prevailed in most occupations, were accustomed to discipline, which was exercised by the Courts. Now, for the most part this discipline is exercised in relation to solicitors by a domestic tribunal. At the same time there seems to be an increased sense of the need for maintaining professional standards of conduct, evidenced for example by the recent inclusion of the subject Legal Ethics in the examinations for admission as barrister or solicitor. Whether this is due to a decline in professional standards, or to a livelier sense of their importance and a desire to raise them, is a matter which the rising generation might dispute with those who praise time past ; but the fact remains that professional conduct and self-government are matters of very general interest and concern. And so this year for the first time in Queensland there is published an annotated collection of the statutes, rules, and regulations governing the solicitors' branch of the profession, in which may be found all the legislative provision and much of the other law and custom concerning the qualification and conduct of solicitors in the practice of their profession.

The work is done by Mr. Kennedy Allen with the thoroughness we have learned to expect from him in this type of work. His book is not intended to be an exhaustive treatise on the law relating to solicitors in Queensland. He is concerned mainly with the Queensland Law Society Acts, the elaborate set of Rules made and recently revised by the Society under power conferred by the Act, and the Rules relating to the Admission of Solicitors. The two sets of Rules are annotated for the first time, and the Act is dealt with much more exhaustively than in the current edition of the Public Acts. For annotations to the other legislation reprinted the reader is referred to the Public Acts, and the general law relating to solicitors must still be found in standard text-books. Mr. Allen says that his work is intended as a selective local supplement to standard English treatises such as Cordery on Solicitors. One section of the book that will be welcomed is the collection of rulings made by the Law Society Council, now for the first time made generally accessible.

Most of the provisions of the Law Society Acts require little or no explanation, but some of them in effect incorporated a large body of previous case law or called for elaboration by judicial decision in the future. As to these, Mr. Allen seems to have collected all the relevant

cases, and has included them in a detailed exposition of the law so far as it is now settled. For example, the Statutory Committee of the Law Society Council is given authority to deal with cases of "malpractice, professional misconduct, or unprofessional conduct." These terms are not defined, but "professional misconduct" and "unprofessional conduct" have been given judicial interpretation, and the subject is fully discussed by Mr. Allen in his annotations. As to "malpractice" the writer ventures to disagree with Mr. Allen, who, following an American work, defines it as evil practice in a professional capacity and the resort to methods and practices unsanctioned and prohibited by law. If the latter part of the definition is intended to refer to illegal practices in relation to professional activities it is submitted that it is too narrow. The term, it is suggested, extends to some types of conduct, which, although not related to professional activities, show that a person is unfit to practise as a solicitor, *i.e.*, to conduct on account of which the Court would refuse admission or would strike off the Roll. In 37 Queensland Law Reporter, p. 536, a case is reported in which a solicitor who was for the time being in non-legal government employment, and who was convicted of attempting to obtain a bribe, was struck off the Roll by the Statutory Committee on a charge of malpractice or professional misconduct. This case must have been treated as one of malpractice, and, is submitted, correctly so.

Although the Statutory Committee is given power to strike a solicitor off the Roll or to impose penalties for misconduct, the Law Society Act preserves to the Court its disciplinary jurisdiction previously exercised, though the Court may transmit any charges to the Council of the Law Society for reference to the Statutory Committee. Mr. Allen deals in detail with this jurisdiction of the Court. A question arises, however, as to what cases should be dealt with by the Court and what cases should be taken directly to the Society or referred to it by the Court. In *Myers* v. *Elman* ([1940] A.C. 282 at p. 318) Lord Wright doubted whether the Court would now entertain an application to strike a solicitor off the Roll or suspend him. As to defaults calling only for a penalty, a distinction might perhaps be drawn between misconduct which is primarily a breach of the duty to the Court and that which is a breach of the duty to the client, the public, or the profession. But probably the Court would act only in cases of misconduct in the course of legal proceedings, though in this case it might even, it is suggested, exercise the power to suspend or strike off. Where the most appropriate penalty is an order that the solicitor pay the costs of an injured party, of course the Court is the proper tribunal.

Some discussion of this matter would have been useful; and it would not have been out of place also, it is suggested, to complete the survey of professional misconduct by noting the main principles and cases concerning the solicitor's duty to the Court, on which *Myers* v. *Elman* (*supra*) is now the leading authority.

Mr. Allen, like most practitioners who write text-books, and who have been disciplined by experience to display caution in the absence of authority, does not venture to expound the implications of some recent legislation, *e.g.*, the provisions that a barrister may not practise as a solicitor or a solicitor as a barrister, and that a person may not act or practise as a solicitor or conveyancer without a practising certificate. For the same reason, the Law Society Rules have not been annotated to any great extent. The law governing the profession created by this

recent legislation is thus not fully worked out and probably will not be for some time to come. However, unsettled questions have been mentioned here not so much by way of criticism of Mr. Allen's work as to draw attention to their existence. Within the limits he set himself, Mr. Allen has done his work very thoroughly. Those limits might perhaps have been set a little wider, but speculative discussion of questions on which authority is lacking would probably not have been welcomed by the practical lawyers to whom the work is addressed. To these the work should prove most useful, and every solicitor should buy a copy.

W. N. HARRISON

The Law and Procedure at Meetings. By P. E. Joske, K.C., M.A., LL.M. (The Law Book Company of Australasia Pty. Ltd. Second Edition, 1949. xix and 190 pp. 12/6).

The second edition of Mr. Joske's useful guide to the conduct of meetings adds recent decisions and legislation to the material contained in the first edition published in 1938. A review of a second edition normally calls for comment only on the improvements and additions to the original work ; but as this Journal was not in existence in 1938 a more general review is perhaps justified here, though it will be confined to the general section of the book.

The work is in two parts, one dealing with meetings in general, the other, forming more than half the book, dealing with meetings of companies. Both parts, being written by a lawyer, speak with more authority than similar works written by a layman, and include information which, although of general concern, only a lawyer could provide. Illustrations of this are the early sections on the right of public meeting, police powers, unlawful meetings, and defamatory statements at meetings. There are also many questions regularly arising in the conduct of meetings as to which even experienced committeemen are left in doubt because of their lack of training in general legal principle ; but a lawyer can inform them definitely, for example, that where a quorum is required, all acts in the absence of a quorum are invalid, whether or not attention has been drawn to the insufficient numbers present, that committees cannot delegate their powers, or co-opt other members unless authorised to do so, or, if no quorum is fixed, act in the absence of any member from its meeting. But although the book would lose some of its usefulness if expanded to ordinary legal size, it would, it is suggested, have been possible to give a further explanation of the reasons behind such rules as these, thereby assisting the intelligent layman to a correct judgment in matters not completely covered by the book.

The same brevity, it is suggested, also leads to an undue absoluteness of statement in a number of cases. Many of the customary rules of debate set forth here, although necessary or convenient for large meetings, are not necessarily appropriate to relatively small committees meeting regularly, which often can arrive at better results by informal discussion ; and even in larger meetings a relaxation of recognised rules may often be convenient. The fundamental object of a meeting is to ascertain, after due consideration, the sense of the meeting as to the matters submitted to it. The function of the chairman is to see that this object is attained, and, according to varying circumstances, to regulate the procedure of the meeting accordingly. In some circumstances the object

will be frustrated if, for example, a member is not allowed to speak more than once, or if rigid rules as to motions and amendments are applied. A chairman can always insist on observance of the rules of debate which experience has shown conduce to efficiency in large meetings, but if he thinks a relaxation is desirable he may relax them, provided no confusion results, and need not be abashed or give way if some pedantic expert raises a point of order. Some discussion of this matter would have been helpful to chairmen of limited experience, who might otherwise think that they were not acting properly unless they sternly insisted on the rules of debate. It is not always realised by laymen that, unless prescribed by an appropriate authority, these rules are not binding laws, but only customary rules of convenience. Therefore if a chairman is experienced, and possesses the confidence of the meeting, he can exercise a wide discretion as to the means best adapted to attaining the object of the meeting. If, on the other hand, he feels that he should be careful to avoid giving ground for criticism, he should adhere to the recognised rules of debate or obtain the unanimous consent of the meeting to any departure from them.

The author's familiarity with legal decisions also enables him to lay down rules in a variety of cases which other books on this subject by non-legal authors necessarily fail to deal with. The danger here is that the lay reader, unless warned more frequently than he is in this book, may give particular decisions too wide an application. Indeed the author himself at times appears to do the same thing. Thus the statement on p. 22 that an advertisement in the press is sufficient notice of a meeting unless there is express provision for another form of notice would seem to be too general. No doubt, as in the case relied upon, such a notice would be adequate when not all those entitled to attend are known and notice by letter is not specifically required; but where the secretary has the names of all members, advertisement in the press would seem to be far too imperfect a method of notifying those who have a right to attend. In a number of cases, however, although the statement made is possibly open to the criticism that the rule stated does not necessarily apply to all cases, adherence to the rule would be the safer course.

But the exercise here of the reviewer's privilege to air his own opinions is not intended to depreciate the value of Mr. Joske's work, which is packed with useful information, clearly and authoritatively stated. The general part should be taken as a guide, however, rather for those meetings, especially public meetings and statutory meetings, in which strict formalities should be observed, than for those innumerable committee meetings or other small meetings in which formalities are not in practice strictly observed and would indeed hamper discussion.

W. N. HARRISON

For the Defence. By L. P. STRYKER (Staples Press. 1949. xi and 624 pp. £1/12/9). (A life of Thomas Erskine).

At the close of the eighteenth century, England was playing with "an all star cast." It was the day of Doctor Johnson, Burke, Pitt, Nelson and Wellington, not to mention mere actors like Sheridan and the fabulous Mrs. Siddons. It was an era of great men, the age that bred Napoleon for protagonist. So, on Pitt's death, it seemed a natural

step to form a " Ministry of All the Talents," one that history would never see repeated. It is with the Chancellor of that Ministry that we are concerned, the greatest English advocate of that or any day—Thomas Lord Erskine, who, like Boswell, had come down poor from Scotland.

The future Prince Regent, at this stage of his career still " The First Gentleman," had a swashbuckling team of followers led by the liberal minded Fox. This team included Erskine. Following a short career in the Navy, as a struggling junior counsel he won fame overnight by fearlessly attacking the Government administrators defrauding Naval veterans. These men in high places had indicted Erskine's client following his attempt to expose them. The case was before the great Lord Mansfield, and, at the end, successful and heroic, young Erskine accepted twenty of the briefs pressed on him from all sides. He was a success. But, his own words indicate, he had begun the traditional way. When asked, " How did you do it, Erskine ? " his answer was, " I thought I heard my little children plucking at my robe and crying out to me, ' Now, Father, is the time to get us bread.' "

The times demanded a fearless advocate. Revolution had broken out in France, and England, with similarly appalling conditions, was terrified of violence. Pitt, forgetting his youth, had hardened into reactionary stern methods. Prepared to institute a pogrom, he began a series of State prosecutions for treason. As a prelude, Thomas Paine, author of " The Rights of Man," was indicted for seditious libel. He chose Erskine to defend him. But a " special jury " of warm hearted conservatives, hand-picked, found Paine guilty ; at the same time as the crowded streets cheered Erskine in defeat emerging from the Court of King's Bench. The English reign of terror had begun. Erskine was forced to resign as Attorney-General to the Prince of Wales.

Unlike Burke, whom age frightened from ideals, Erskine never lost the gift of spiritual youth. Only such a man, liberal yet not extreme, could save his country from a bloodbath in the year 1794. It has been said by Roscoe, " In every case he proposed a great and leading principle, to which all his efforts were referable and subsidiary, which ran through the whole of his address, arranging, governing, and elucidating every portion." Such a man was compelled by fervour as by logic. To him there was a spirit in the letter of the laws. So, at the trial of Hadfield, who had shot at George III and missed him, Erskine raised the then unusual defence of insanity. The Crown argued upon the archaic principle that a man's only defence was to plead a total lack of reason reducing him to the level of a wild beast. It was Erskine, carefully reviewing the authorities, and with an understanding of the human element involved rather than by any theory of abstract law, who demonstrated for the first time what has developed into our modern doctrine on the subject. He did this by showing the reason underlying the law. So, he could persuade both juries and judges to accept a just answer in the particular case rather than a mere authority, and reform the law by correctly expounding its principle.

Erskine's story illustrates the seldom admitted reality, that law is not a mathematical result but depends on several incommensurable factors. The circumstances of the times, the personality of the advocates, the character of the judge all contribute to produce out of a passionate conflict of ideas a climax or decision. Law is more like to drama, and its advocates to actors than we realise. Both play to an audience, and it is public opinion in either case that consciously or unconsciously

arbitrates. Law is of necessity bound up with history and changing ideas. If we would understand it truly, we must not divorce it from the circumstances in which it was pronounced.

So, it would be an advantage in our English law, where precedents are so readily available, to have as well in each case a knowledge of the background, the advocates, and the judge. There is, unfortunately, no such comprehensive and accessible survey in these terms to form a companion to the reports. But in this life of Erskine there is presented a panorama of one most important period. We find the cases are pulsating human dramas, and the judges very much men, while the background is a public mood lending significance to the pronouncement of law in each case. The personality and character of all, and especially of the counsel in the struggle, influence the decided result.

One might mention in this regard how important to each generation are the opinions and anecdotes concerning the judges which are current amongst the older members of the profession. They remember the men who delivered the judgments, and often their comments on the man assist in discovering the relative worth of his opinions. For the law is hardly to be taken as an absolute expression of the mind of God, but rather the opinion of man in men's affairs, of necessity mortal. Justice is of necessity human ; and it is a fine line where judicial opinion ends and prejudice begins to influence the result. No man can draw this line in the abstract. So, our English method to avoid disaster has always been to choose the judge of independent mind, and then to keep him so, beyond reach of reward or punishment or party influence. Thus, Erskine, a brilliant Common Lawyer, could be raised to the post of Chancellor with but little knowledge of the Chancery law or practice. Yet, such was his integrity that no decision he gave there was overruled. The author of this life says :—

> " First of all he possessed those prime pre-requisites for a good judge—firmness, courtesy, fairness, patience and good nature. Nowhere on earth are these qualities more valuable than in the administration of justice. A wise man was once asked to state what kind of person is best fitted for judicial office. He answered : ' Let him be a gentleman ; and if he knows a little law, so much the better.' "

Erskine's most painful duty as Lord Chancellor was to preside in the House of Lords at the trial of the First Gentleman's wife, Queen Caroline, for alleged adultery. The family life of the fat licentious monarch had been a pathetic persecution of this kindly German wife whom he despised. The account of his efforts to convict her of adultery while travelling in Italy is a grim one. As it unfolds, we are forced to realise the political ramifications of a State Trial, the currents of intrigue and influence that must underlie the collection of evidence and presentation of such a case. Yet, Erskine here maintained the independence of his profession, to avert a disgrace which might have spoiled the reputation of modern English justice.

This book is a correlative to our present popular historical jurisprudence. Here we find the Courts in action, a picture of the law being made, in another period but not so far removed as to lose our interest. It might be sub-titled " Law and the times which produce it." The law is seen to be a live, dramatic thing—full of colour, passion and sure thinking in a maze of circumstances. Here is the advocate at work,

inspiring juries, captivating judges, and, throughout, a part of his age and aiding its historical transition. Advocacy is the artistic part of law, in which the bones of abstract principle take on the flesh and tints of actual life. In this book we see the cases through a counsel's eyes, rather than as the reported judgments give them, through the judge's passionless words. This is law come alive, like a volume of Shakespeare or Dickens. Only an American could have stepped so splendidly out of the tradition of legal biographies to give us a whole world of exciting action, a vision of history and the law grouped round the very human, very poetical, shining figure of a man.

For which, I would add—Thank you, Mr. Stryker!

FRANK CONNOLLY

Law and Conduct of the Legal Profession in Queensland. By W. N. HARRISON, B.A., LL.M. (The Committee of the Supreme Court Library, Brisbane. 1948. viii and 80 pp. 12/6).

Law and Conduct of the Legal Profession in New South Wales. By R. CLIVE TEECE, K.C., M.A., LL.B., and W. N. HARRISON, B.A., LL.M. (The Law Book Company of Australasia Pty. Ltd. 1949. viii and 103 pp. 15/-).

Law and Conduct of the Legal Profession in Queensland was designed to provide, particularly for law students, some general information as to the history of the legal profession in England and Queensland and as to the rules of professional conduct and etiquette observed by practitioners. *Law and Conduct of the Legal Profession in New South Wales* is an adaption of the former work, but the comparative insignificance of most of the alterations, apart from those relating to the statute law governing the profession, reveals that the rules of professional conduct and etiquette in New South Wales are substantially the same as those applying in Queensland. For this reason not only do the two books follow the same scheme, but they have the greater part of their material in common. The later book has afforded the authors an opportunity to revise the text of the earlier and some passages have been rewritten or expanded, and some reference to additional authorities has been made in the later work.

Laymen are apt to criticise the legal profession on the ground that its standards of ethical conduct differ from the ordinary standards of moral behaviour. This criticism is, of course, ill founded, but what gives rise to it is the fact that laymen are not aware of the principles on which the rules of conduct in the legal profession depend, so that the rules to them appear irrational and incomprehensible. The truth is that mere goodwill and honesty will not always be a sufficient guide to the conduct of a lawyer, not because there is anything inherently obscure or peculiar in the code of professional behaviour, but because some of the rules in that code are based on reasons which, without experience or instruction, a man of goodwill and honesty may fail to perceive. Hence arises not only the layman's misunderstanding of the lawyer's ethical position, but also the fact that many lawyers themselves are guilty of conduct that is improper or a breach of etiquette simply through ignorance—perhaps the most serious infringements of the professional code cannot occur through ignorance, but those that can are unfortunate

enough. In matters of this kind experience is perhaps the best teacher, but lawyers when they first start to practice in their profession obviously cannot be expected to have that experience. The value of a good book of instruction in these circumstances is obvious.

The books under review have three main subjects. First they contain a brief account of the origins of the various branches of the legal profession in England, and of the beginnings of the profession in New South Wales and Queensland. Next, they deal with the present law in relation to the division and organisation of the profession and the right to practice. Finally, and this is the most valuable portion of each work, they discuss the character of the legal profession and the rules that govern the conduct of members of it. The authors consider these rules as resulting from the duties which lawyers owe by virtue of their profession, so that in general questions of ethical difficulty arise where there is an apparent conflict between some of these duties. On the one hand, it is the lawyer's duty to do all that he properly may to win his client's case, but on the other he owes a duty to observe and maintain the law, a duty to assist the Court in the administration of justice, and a duty to abstain from using unfair methods against his adversary. The authors discuss the nature of these duties and the rules to which they give rise. This method of treatment has resulted in a very lucid exposition of the main rules of professional conduct and etiquette, that never loses sight of the principle among the details, and never fails to make clear the reason for a rule where this might not be immediately apparent. To law students and newly admitted barristers and solicitors, these works will be of the greatest assistance, and many other practitioners, not so newly admitted, will admit to gaining a clearer understanding of the rules of professional conduct from a perusal of one of these books.

Neither book is put forward as a work of reference in which complete information on matters of professional conduct may be sought. Queensland (and doubtless New South Wales) lawyers would welcome such a work, difficult as it might be to compile. Although our professional practices are based on an English model, it cannot be denied that local conditions have caused a number of important deviations in Australia from the English rules. One example that comes readily to mind is the rule that, in England, requires a brief to be marked before counsel appears in Court. This rule is applied to Queensland by the General Rules of the Bar Association of Queensland, but in practice, in the great majority of cases, the rule is not observed, and there is considerable diversity of opinion as to what rule should prevail in relation to this matter. Again, the English rule that witnesses should be interviewed separately by counsel is not in practice observed in Queensland. In relation to conduct by solicitors there is an amount of statutory regulation, and rulings of the Queensland Law Society exist on a number of matters (these are now readily available in Mr. Kennedy Allen's *Solicitors Manual* reviewed *infra*) but these Acts and rulings cover only a small area of the whole field, and, so far as the bar is concerned, the General Rules of the Bar Association deal only with a very few matters of professional conduct. The Queensland practitioner has not any set of rules, and no text book, to which to turn for guidance as to what are the instances in which the English rules of conduct do not apply, and what rules do apply in such cases. A comprehensive text book to deal with this subject would be most useful, and perhaps Professor Harrison will some day find time to attempt the task of writing it.

The author of such a book would need to be prepared to enter the stormy seas of controversy, for it would indeed be difficult to attempt to deal exhaustively with such a topic without causing some disagreement. Thus there are statements in the works under review with which not all will agree—for example, that the amount of general damages claimed should not be mentioned to the jury, or that it is only a " supposed rule " that counsel may not mention the penalty in addressing the jury in a criminal case, or the remarks relating to the two-thirds rule in regard to junior counsel's fees. Such disputable passages are inevitable, particularly in a work that breaks new ground, as these works do for Queensland and New South Wales.

The only regret one has is that the works do not contain a more comprehensive citation of authorities, but that, as has been shown, results not from any defect in their execution, but from the limits which the authors have set to them. One hopes that the authors may later enlarge those limits. Within them, however, they have produced books that will provide an excellent introduction to legal ethics for students, who will welcome them for their clarity and ease of style.

H. T. GIBBS

The Law of Life Assurance in Australia. By P. C. WICKENS, M.A., LL.M., F.I.A. (The Law Book Co. of Australasia Pty. Ltd. 1948. xii and 258 pp. £1/15/-).

The Law and Principles of Insurance in Australia. By P. E. JOSKE, K.C., M.A., LL.M. (The Law Book Co. of Australasia Pty. Ltd., Second Edition. 1948. xx and 334 pp. £2.)

The activities of insurance companies play a most important part in the financial life of Australia, and contracts of insurance directly and indirectly affect almost every business and every family. Questions of insurance law are therefore commonly met by lawyers in matters in which the contract of insurance itself is not the subject of the litigation or dispute, and it is not only those lawyers who are called on to advise insurance companies who may feel the need of a useful book on insurance law.

Of these two books, Mr. Wickens' is concerned only with life assurance, as he prefers to call it, although the logical or etymological basis of the distinction that is said to require one to speak of " life assurance " and " fire insurance " has always eluded this reviewer. His book is designed to appeal to a twofold audience ; it is written to assist members of the staffs of life assurance companies as well as lawyers. The statutory provisions with which Mr. Wickens is mainly concerned are those of the *Commonwealth Life Insurance Act* 1945, and he does not deal with those State Acts which still govern contracts made intra State by State Government Insurance Offices. With this exception, which was made to avoid cluttering the text with constant provisos, the book well covers the whole field of life assurance law, and deals not only with such questions as the formation and interpretation of life policies, their assignment or charge, the extent of the protection of the proceeds of a policy against creditors and the powers of personal representatives to collect policy moneys, but also with the effect of statutes relating to income tax and land tax, and death duties, stamp duties, and gift duties on insurance policies. He aims, not to discuss every detail

of the law or to cite every case, but to give a complete statement of the main principles of the law relating to life assurance. Some of his material, being intended for non-lawyers, may be thought superfluous for lawyers, but this is not true of the greater part of his book, which will be found a useful and practical work by those seeking a statement of the principles of the law in relation to life policies.

Probably no practising lawyer in Australia needs an introduction to the works of Mr. Joske. His *Law and Principles of Insurance*, now in its second Edition, deals with the general principles that govern all branches of insurance law, and with the application of those principles to life, marine, fire, motor accident and workers' compensation insurance. Since the first Edition, the *Life Insurance Act* 1945 has been passed, and there has been a good deal of State legislation in relation to motor insurance and, in addition, numerous decided cases. Mr. Joske concentrates on Australian legislation and case law, and his book forms an excellent Australian Supplement to the larger English works, such as MacGillivray on Insurance and Shawcross on Motor Insurance. Needless to say, he makes the relevant Australian decisions on the subject readily available to the reader. In another field of law there are many Australian lawyers who (to adapt a slogan) commence their research with Joske ; they can do it with confidence in this field also.

H. T. GIBBS

Australian Patents : The Australian Patents System Explained. By H. N. WALKER. (The Law Book Co. of Australasia Pty. Ltd. 1949. xxiv and 197 pp. £1/5/-).

Mr. Walker's aim is the comparatively modest one of discussing in an elementary way and in untechnical language the provisions of the Patents Act and Regulations as they affect the normal person who has invented something and to give practical guidance to those who may desire to apply for the grant of a patent. He has not intended to write a legal textbook, or, indeed, a book for lawyers. None the less, the lawyer seeking an introduction to patent law and practice could do worse than turn to this book, and a solicitor faced with the necessity of making application for a patent for the first time might well find it indispensable.

Mr. Walker's treatment of the effect of the provisions of the Patents Act is clear and readable, and is illuminated by some happily chosen examples taken from the facts of decided cases. It is for this reason that his work might serve as an elementary introduction to patent law, and no doubt students studying to prepare themselves for the profession of patent attorney will find it of particular use. However, since his account is intended for laymen, he gives no more than an outline of the main principles of the law, and, keeping the nature of his intended audience in mind, he cites no cases. His book, therefore, cannot be said to be of any merit as a legal work, nor is it likely to afford any assistance to a lawyer seeking an accurate and complete statement of patent law or seeking, for example, ammunition for use in a patent action. To say this is not to depreciate its value, for it aims not at legal merit, but of being of practical assistance in relation to matters of practice and procedure.

The real value of this book is to be sought—and found—in its detailed account of the procedure to be following in making applications for a patent, and in particular in the information it contains as to the preparation of specifications. On the skilful drafting of a specification may depend not only whether the application for a patent will be granted, but also whether that grant will be upheld if challenged in the Courts, and the draftsman has a difficult path to tread between a specification so narrow as to be ineffective on the one hand, and one so wide or ambiguous as to be invalid on the other. The proper preparation of a specification calls for a good deal of special skill. Those who themselves lack that skill, whether they be laymen or lawyers, will find a substitute for the experience which they do not possess in the practical advice that Mr. Walker gives in relation to specifications. The knowledge that Mr. Walker has gained as an Examiner of Patents enables him to put forward many useful ideas that enhance the value of his ordered statement of the practice in Patent matters out of Court, and his work succeeds in being what it professes to be, "a practical handbook for inventors and others."

H. T. GIBBS