

The over-all virtues of the work, however, justify its being given a place in libraries much more sophisticated than those of the students of the elementary principles of the law of contract.

GREGORY GOWANS*

The Law Relating to the Sale of Land in Victoria, by L. VOUMARD, Q.C., LL.B., (The Law Book Company of Australasia Pty. Ltd., (1965), pp. i-lxxv, 1-608, Index 609-680. Price £8 15s.

In reviewing the first edition of this work, published in 1939, Mr A. D. G. Adam, now Mr Justice Adam, remarked that its publication was a notable event. The acceptance of the book by the profession, and its constant use as a reliable statement of the law, has confirmed that learned reviewer's opinion. The publication of this edition, twenty-six years later, will undoubtedly be hailed with pleasure by those who have to deal with the many problems arising from contracts of sale of land—and what lawyer does not in the course of his daily practice have to consider such problems? The course of legislation over that long period, and the delivery of many judgments by the courts in England, by the High Court, and by the State Supreme Courts have provided much new material. Merely on the ground that the earlier edition has been brought up to date, the book is a valuable one. But the new edition does much more than that.

The learned author is well known to the Bench and to the profession as a leading authority upon this difficult branch of the law. His clearness of thought, his clarity of expression, his experienced judgment and reasoned conclusions have been made available to us. We can feel assured that any opinions coming from so qualified a source cannot very readily be shown to be erroneous.

The scope of the work remains unchanged. It will be found from a comparison of the Table of Contents with that of the first edition, that the topics treated remain almost exactly the same. But what does impress one is the vast range of topics included, many of them being such as might not have been expected in such a work. Thus, in the section dealing with options to purchase, there is a full treatment of this difficult topic and of the cases, many of them decided since the first edition was published. There is even a discussion of options created by wills. Incidentally, the text on the subject of options, which formerly occupied four pages, now occupies twelve. Another matter which receives full consideration is the effect and operation of the little understood, and somewhat neglected, Settled Land Act 1958. The forty pages devoted to this Act are, so far as I am aware, the fullest treatment it has received in this country. One would not have expected this in a work on Contracts of Sale, but its value is great.

The effect of the far-reaching provisions of the Sale of Land Act 1962 (amended in 1963) seems to me to call for separate and indexed treatment. The provisions are referred to in scattered portions of the text, but many of these are not referred to in the General Index. Under the heading 'Requisitions on Title' at pp. 488 and 489 will be found some valuable advice to solicitors acting for a purchaser who is purchasing from a vendor who is himself purchasing under an uncompleted contract of sale. The general index, under the heading 'Uncompleted Contract' does not refer to these pages, nor indeed to other parts of the work where the legislation

* A Justice of the Supreme Court of Victoria.

is discussed. The General Index, under the heading 'Requisitions on Title' contains the entry 'on Sale under Transfer of Land Act pp. 488-491' and the entry 'Subject matter of—488-491', a somewhat inadequate clue. The General Index under the heading 'Sale of Land Act 1962' contains references only to pages 108 and 109, which pages contain no cross references. It does seem to me that such important provisions, while discussed in the text, are worthy of readier accessibility. The determined investigator who can spare the time will be led eventually to pages 488 and 489 by turning to the Table of Statutes, and working steadily through the lengthy list of the pages where the Act is referred to.

But it would be a mistake to allow the considerable merits of the work to suffer detracted by reason of the imperfections of the index, important as the index is to the busy lawyer. I am quite certain that the work will continue to be in constant use and will afford a solution to all the problems likely to arise in relation to contracts of sale of land, or will bring before the inquirer all the material available to solve them. The absence of a fuller commentary on the Sale of Land Act 1962 is explained by the author in the preface as being due to the fact that it is anticipated that early amendments to the Act are to be made, in which case a supplement to the work is to be published. It was unfortunate that although there are a number of references to the case of *The Arcade Hotel Pty Ltd* 1962 V.R. 274, there is no reference to the Transfer of Land (Restrictive Covenants) Act 1964 which resolved the difficulties created by that case. No doubt the date of the Act, 5th May 1964, made it impossible to incorporate it in the text.

The volume is admirably produced and easy to read. The actual page size is greater than it was in the first edition with the result that, although the number of pages is very little greater, each page contains more text. The book is therefore less stocky and bulky than its predecessor and much more attractively presented.

The profession is fortunate to have available an up-to-date edition of so well-established and highly regarded a treatise upon a difficult subject of great general importance. The learned author is to be again congratulated upon the excellent presentation of his extensive industry and research.

ARTHUR DEAN*

Crime and the Community, A Survey of Penal Policy in New Zealand, Department of Justice, New Zealand. pp. i-x, 11-112, Index 113-114. N.Z. price, £1.

In *Legal Duties and Rights* (Melbourne 1883) a work whose merits deserve more recognition than they have received, Professor W. E. Hearn described robustly the State's Theory of Punishment as it was understood over 80 years ago. He wrote:

The State from whatever motive, chooses that certain acts shall be done or certain forbearances observed. It secures this object by punishing disobedience . . . Whether the obedience arises from mere terror or from any higher motive the State does not inquire. It is the regulation of conduct, not the regulation of motives, with which it is concerned. Consequently, its aim in punishment is merely the enforcement of

* A Justice of the Supreme Court of Victoria; Chairman of the Council of Law Reporting in Victoria.