

BOOK NOTES

The High Court of Australia on Contract 1950-1980 by F.P. Ellinghaus (Law Book Co. Ltd, Sydney, 1983) pp. 1-487 (including index). Price \$48.00 (hardback), \$36.00 (softcover), ISBN 0 455 20531 0; 0 455 20532 9.

Mr Ellinghaus' book represents a novel concept in casebooks. It differs from other casebooks in that: it is limited not only to Australian cases but to cases decided by one Court, the High Court of Australia (apart from four Privy Council cases); it is limited to cases decided in the years 1950-80; the cases are not organized topically but presented in chronological sequence; and a new editing technique is adopted.

The editorial novelty consists in the reduction of cases not merely by the deletion of pages and passages but also by the removal of parts of sentences and even single words. Deletions are not marked although there are references throughout to the page numbers in the original report. In addition, no headnote or caption is given at the beginning of a case to indicate what legal issues are involved.

The latter feature means that it is unlikely that anyone will read the book straight through from cover to cover, except possibly law teachers working to update or fill out their knowledge of the law of contract in Australia; indeed it is clearly designed as a reference book or research tool. It is most likely to be used by readers wanting to find out what High Court authority exists on particular points of contract law.

In a work of this nature it is of vital importance that there be a clear and comprehensive index. This is the case. The index refers not only to the place in the book itself where material relevant to the legal issue in question can be found but also to the pages in the original report of individual cases where the matter is dealt with.

Mr Ellinghaus has provided in this book a ready reckoner for anyone who wants to check modern High Court authority on a point of contract law. It will lead him to the relevant authority and give him a concise summary of the report. The collection will be useful to legal researchers of all kinds: academics, practitioners, and students undertaking courses in contract or commercial law. A book of this character will be particularly useful to academic lawyers. Regular reference to it might leave contract law teachers less open to the charge that Australian law is taught in our Law Schools as an appendage or footnote to English Law.

At first glance the substitution of chronological for topical organisation may appear off-putting; as also may the absence of any prefatory indication of the legal issues involved in the cases. On reflection however the reasons for this become apparent. Many cases involve a variety of issues which makes topical organization difficult and would necessitate considerable cross referencing. Clearly it is assumed that the reader will make extensive use of the excellent index, in which case neither topical organization nor anything in the nature of preliminary notes are required.

Innovation and creativity are qualities rarely found in case books. Mr. Ellinghaus is to be congratulated on the meticulous execution of an original conception.

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