

petuate false impressions about a man who, at least, led a fascinating life full of interest but whose character becomes, in the hands of a biographer like Mr Hannan, saintly, instead of machiavellian.

C. L. PANNAM\*

*Comparative Law: Cases—Text—Materials*, by RUDOLF B. SCHLESINGER, Professor of International and Comparative Law, Cornell University, 2nd ed. (The Foundation Press, Brooklyn, 1959. Stevens and Sons Ltd, 1959/1960), pp. i-xliv, 1-635. Price £5 17s. 6d.

Professor Schlesinger of Cornell Law School was the first teacher of Comparative Law to make his teaching material available to the outside world in book form. That was in 1950 when his *Comparative Law—Cases and Materials*—as the book was then called—was brought out in its first edition, a bare two years after the author had introduced Comparative Law as a teaching subject at his Law School. Much of the material used then was secondary, much required more connecting text and background information. These shortcomings of the first edition have now been overcome; most of the extracts from articles and books by other authors on special questions in the field of Comparative Law have been replaced by text written by the author himself. Furthermore there are many new notes, illustrations, problems and questions. All contribute to an added liveliness and general usefulness of the book.

The basic arrangement of the book has not been changed in the new edition. It is decisively influenced by what the author considers as most important for the practitioner's needs. Thus the first chapter, after a stimulating introduction showing the wide use of the comparative method, is devoted to 'Foreign law in our courts: pleading and proof of foreign law' (pages 31-143): a topic which an English or Australian law teacher would expect to see covered in the final year's Private International Law course.

The most valuable part of the book is the second and main chapter. It is devoted to 'Common Law and Civil Law—Comparison of Methods and Sources' (pages 152-393). Compared with the first edition, the second edition shows a number of valuable additions and changes in this chapter. There is a new section now giving a fine historical comparison of the forces influencing the development of the common law and the civil law (pages 179-189). This is followed by a new, up-to-date survey of the expansion of the common law and the civil law (pages 190-198). This note brings out very clearly something which modern comparative law treatises have generally failed to realize: the spreading of mixed systems.

The second chapter contains also a greatly enlarged section devoted to Continental civil procedure (pages 201-252). The reviewer agrees with the author that procedure is in the end result often much more important for the proper assessment of a Comparative Law problem than substantive law. In the new edition the material is presented in the form of a highly entertaining imaginary consultation about an American company's interest in a civil law country. There are also now greatly enlarged notes, with a number of new and interesting ideas, on the system and organization of codes (page 262 and following pages).

The third chapter is, as in the first edition, devoted to the study of a few selected topics (pages 393-476). The topics selected are again Agency,

\* LL.B. (Melb.); Senior Tutor in Law in the University of Melbourne.

Corporations and Conflict of Laws. From the practitioner's viewpoint these areas of law will probably most easily become of actual practical value. On the other hand, from a more general point of view, other topics such as unjust enrichment, or the extent of strict liability in tort, would in the reviewer's view have been more rewarding for comparative treatment.

The final chapter contains a wide selection of English-language articles on foreign and comparative law. Since Dr Szladits' comprehensive bibliography of Comparative Law appeared in 1955 the need for this chapter is now certainly diminished. However, it makes it easy for the student to find without difficulty information on a wide range of additional topics. These may then be selected by the teacher for special class study.

Comparative Law is probably that subject of a law course which, more than any other, is influenced in the arrangement and choice of material by the foreign system or systems with which the instructor is really familiar. It is also influenced by his particular fields of interest. This casebook on Comparative Law will, for most teachers with background and interests differing from that of the author, be supplemented by additional materials, especially in the field of selected topics. As a basic work it fulfils a most valuable function.

On a minor detail the reviewer is unable to agree with 'Dr Comparovich', the authority in the imaginary consultation case. If the French system of 'cassation' really does apply in the civil law country concerned, the Court of Cassation would on granting 'cassation' have no choice but to remand the case to *another* intermediate appellate court than the one from which the case came (page 231).

The reviewer is pleased to be able to suggest for the next edition a limitation of the author's statement that 'there are no student-run law reviews in civil law countries, or indeed anywhere outside of the United States' (page 147, footnote): our *Melbourne University Law Review* has been student-run since its inception in 1957, and its predecessor, *Res Judicatae*, was run by students from 1952.

J. LEYSER\*

*The Law of Real Property*, by R. E. MEGARRY, Q.C., M.A., LL.B., of Lincoln's Inn, Barrister-at-Law, and H. W. R. WADE, M.A., of Lincoln's Inn, Barrister-at-Law, 2nd ed. (Stevens & Sons Ltd, London, 1959), pp. i-lxxvii, 1-1077. Australian price £4 17. 6d.

This book was first published in 1957; a second impression was printed in 1958 and in 1959 the present edition, the second edition, was published. This pace of events indicates the place this book has earned among property lawyers. In the Preface the authors tell us that the alterations and additions they have made must run well into four figures, though for the most part these have been on matters of detail. Of matters of more substance, the section on licences has been given a more independent status, and when dealing with restrictive covenants in equity the running of the burden is now discussed before the running of the benefit. The result is a textbook of outstanding merit, continuing the standard set by the first edition.

\* D.Jur. (Freiburg), LL.B. (Melb.); Barrister and Solicitor; Reader in International and Comparative Law in the University of Melbourne.