ant" and "Low Duties". These are illustrated respectively by *Baker* v. *T. E. Hopkins & Son* [1959] 1 W.L.R.966, *East Suffolk Rivers Catchment Board* v. *Kent* [1941] A.C.74, and *Commissioner of Railways* v. *Quinlan*. Once again Mr Weir seems to be straining for striking headings without much significance. However, students can scarcely expect in a book of this kind to find logical classifications. They would tend rather to use the book as a contemporary pocket library and to read separate cases with their introductions and notes. For a time at least Mr Weir's book will be a very valuable and stimulating tool for teaching.

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A SOCIAL HISTORY OF ENGLISH LAW, by Alan Harding. London. Penguin Books Ltd., 1966. 503pp. (including index). New Zealand price $1.

"There have seen some heroic attempts to describe the growth of English law in an historical way", says the author, "and beside them this book is small fry indeed". He does himself less than justice. The reader scarcely needs the impressive bibliography to persuade him that Mr Harding has brought to his task a considerable degree of scholarship. The ease with which he handles his material is better proof of that. More important for the Legal System student this modest volume is readable, stimulating and from first page to last steadily holds the interest. This is not to suggest it is a book for the layman, for it presupposes a knowledge of legal terminology and a familiarity with English history that would seem to be very much the exception among students commencing a law course.

Most legal histories are of necessity social histories in so far as the laws are explained by reference to the social problems that called them into being; but Mr Harding's contribution is unique in that he not only makes this the central theme of his work but goes on a stage further to discuss the influence of the law on the political and social life of the times.

To encompass the whole history of English law, a thousand years of it, within the covers of a five hundred page volume, is a formidable task, calling for a sophisticated process of selection and distillation, a process which is likely to produce a distillate so concentrated as to be indigestible. Consider, for instance, this passage (p.60) describing the work of the General Eyre:

> At the beginning of the eyre, while the presenting juries were away collecting answers to the list of questions (the 'articles of the eyre') given to them on the opening day, the justices heard the civil pleas. When the juries returned with their true answers (*veredicta*) the hearing of the crown pleas could begin.

An astonishing amount of information has been crammed into these five lines, and yet the picture they paint is clearer than the frequently vague impressions left by more discursive writers.

Another feature that gives Mr Harding's work its distinctly attractive flavour is the skill with which he has interpolated extracts from original sources, as witness this example (pp.126-7) dealing with the origin of the present day jury.

> An early jury was sometimes composed of sworn groups from a number of villages, which provided the court with material for its decision 'the eight men of Wormley being sworn say . . . The eight men of Enfield say upon oath that they believe that the mare was Hamo's and foaled to him, for everybody says so.

The picture created is clear, and yet the illustration does not interfere with the smooth flow of the text.

As an historian with no apparent background of formal legal education, Mr Harding might be forgiven if on occasions he found difficulty in dealing with legal concepts. His work calls for no such concession and his handling of such legal niceties as "seisin" (pp.45-6) is confident and lawyer-like.

The material is presented in three sections. Part One covers in a hundred pages, the history of English law to 1642, and follows the familiar parts — local courts, the King's courts, the changes in the administration of justice and a brief survey of the development of all the main branches of the law. Especially interesting are the references to the origin and early work of the Justice of the Peace, a topic the author is particularly well qualified to speak on.

In Part Two Mr Harding roves over a wide field with no set pattern apparent. The first two chapters trace the history of procedural experiments up to the Commonwealth, but in the remaining four he touches on subjects as diverse as lawyers' language, costs, and reputation, and the place of statutes in the law. This section is nevertheless the one with the widest appeal. The author's comments are succinct and his introduction of extracts from original source well timed and smoothly executed.

In the final section he again takes up the tale of the development of the law from 1642 to the present day. He does this in four stages. The first covers what he terms "The Age of Improvisation" from the Commonwealth to the end of the Old Empire, the second "Empire and Commerce", which calls for no comment, and the third "Law Reform in the Nineteenth Century". The survey finishes with an epilogue entitled "Reform Continued?"

The last named chapter is, not unexpectedly, the least convincing part of the work. There is for instance, over emphasis on the Privy Council as a unifying influence in the law of the Commonwealth. Any New Zealand lawyer who has tried to circumvent a House of Lords or even English Court of Appeal decision would have a better appreciation of the Board's significance. In the sections dealing with administrative law one or two minor inaccuracies catch the eye, e.g. the use of the phrases "good motives" (p.386) and "policy and prejudice" (p.424). The suggestion that professional disciplinary bodies were subject to certiorari (p.425) would be more acceptable if it was made clear it applied only to statutory bodies. Moreover no summary of administrative law however brief is complete without some reference to the thorny problem of Crown Privilege. Mr Harding's views on the rights of the press will not appeal to everyone. His proposal that "perhaps newspapers should be given special licence to libel public institutions and officials" (p.427) would be difficult to justify. Incidentally there is no suggestion in *Wason* v. *Walter* (1868) L.R.4 Q.B. 73, that it conferred the privilege of publication of reports of parliamentary debate on newspapers alone. In another field *Allen* v. *Allen* [1961] 1 W.L.R.1186 (C.A.) is credited with a greater significance than is justifiable (p.403) and is omitted from the table of cases.

But these shortcomings cannot detract from the overall excellence of a book that must find a place in the library of every student of Legal History.

It is a pity it appears only as a paperback; but purchasers may console themselves with the thought that at ten shillings a copy they are getting exceptional value.

A. C. Holden, B.A., B.Com., LL.B.

AN OUTLINE OF THE LAW RELATING TO COMMON LAND AND PUBLIC ACCESS TO THE COUNTRYSIDE, by Bryan Harris, M.A. (Oxon.), and Gerard Ryan, M.A. (Cantab.), London. Sweet & Maxwell Ltd., 1967. xxxii and 270 pp. (including appendices and index). New Zealand price £4.17s. ($9.70).

It was with some surprise that this reviewer found that in this day and age it was thought necessary to produce a fairly lengthy treatise on common land, i.e. land over which there are rights of common. To quote the authors' preface:

> One could be forgiven for thinking that this last relic of the old manorial system . . . would soon follow the other forms of manorial law into desuetude.

But no. The United Kingdom Parliament, by the Commons Registration Act 1965, has injected a new lease of life into common land, by providing that both the land and the rights of common should be registered. The main aim of this book, then, is to assist the English practitioner dealing with claims for registration by explaining just what is meant by common land, and by classifying the various rights of common, the rights of the owner of the soil, and the rights and powers of various statutory authorities and the public at large. Since there remain in England and Wales well over a million and a half acres of common land (most of which was originally manorial waste) and since the persons entitled to exercise rights of common probably number tens of thousands, this book will no doubt be welcomed in England.

The New Zealand reader will recognize from the definition of a right of common at p.34 (viz. "a person's heritable right, derived from a grant or award, or acquired by prescription or custom, to take from land, of which he is not the owner, part of one of the land's natural products") that a right in common is simply a form of *profit à prendre*. Most of the major English rights of common discussed in Chapter 2 could be created as *profits à prendre* in favour of a named person or persons in New Zealand by registration of a memorandum of transfer. But it is unlikely that the New Zealand conveyancer would frequently be asked to draw a transfer granting a right of "pannage" (p.43), i.e. a right to let swine feed on beechmast and acorns during certain seasons in a wood or forest!

The second part of the text deals with public access to "privately owned land", by which the authors mean "a right enjoyed by members of the public to wander over any area of land other than a highway". In the short space of fourteen pages a wealth of information on such matters as customary rights over town and village greens, public access under grant (lands dedicated to, or held in trust for, the public) and