

BOOK REVIEWS

**GARROW AND GRAY'S LAW OF PERSONAL PROPERTY IN NEW ZEALAND.**  
Butterworth & Co. (Publishers) Ltd. 4th edition. 1959.  
xlvi + 388 + (Index) 32 pp.

Professor Gray's edition of this work has been warmly welcomed by students and practitioners. Professor Gray modestly refers in his preface to a difficulty: to rewrite the book would involve loss of its distinctive character as the work of its original author. With all due respect to the indefatigability of the late Professor Garrow and his extraordinary industry, not many acute lawyers would mourn the passing of Professor Garrow's distinctive style. The style may indeed be distinctive but it is unfortunately not distinguished. Moreover the order of presentation of the material that Professor Garrow chose for this book seems inexplicable even allowing that at the time he wrote both Real and Personal property formed one subject in the law degree course. To start a work on Personal Property with "Distress" must, as Professor Gray has punned, surely distress the student. It is gratifying to see that Professor Gray has substantially rearranged the order of chapters so that the first deals with "Title to Goods and Chattels". The book now treats the subject matter in an easy flowing and logical sequence. Further, the hand of Professor Gray is apparent in the rewritten material wherever he has picked up his pen, e.g., the question of consideration for assignment of choses in action (at 284 ff.) and it is refreshing to have a reasoned discussion of the cases in a style more attractive than Professor Garrow's pedestrian prose. One would indeed like to see more of Professor Gray's own distinctive style.

There are some aspects where material in earlier editions has been brought forward without change, although some modification of the text would seem desirable. There are references (at 44) to a gift being valid without delivery if evidenced by an instrument registered under the Chattels Transfer Act 1924. This is not the place to deal at length with this assertion, but it can shortly be tested by posing the question: 'Assuming that is so, what happens when the five year registration period expires? Must the instrument be

renewed and so on ad infinitum?' Again, there appear (at 111, 112 and 134) statements as to the rights of a vendor of chattels which are evidently based on the notorious General Motors Acceptance Corporation case [1932] N.Z.L.R. 1, C.A., which has often been the subject of adverse comment, e.g. (1933) 9 N.Z.L.J. 40, and Dugdale's New Zealand Hire Purchase Law, 49. It is suggested that in the next edition greater emphasis could be given to the 'nemo dat' exceptions, and especially to s. 23 of the Sale of Goods Act 1908 (owner precluded by conduct from denying seller's authority to sell). The recent cases on this topic although quoted in footnotes are not examined in the text. The development of the law in this respect could have been given fuller treatment. A student on the threshold of the subject might wish for amplification of the statement (at 2), repeating earlier editions, that title to goods may be acquired in various ways. A book on personal property could be expected to list and explain the various means whereby title to personal property is acquired and lost. Some treatment, e.g., at this point of 'intellectual property' and its vesting by authorship, composition, and creation and also of capture of wild things would give a better balance to the chapter. On the question of wild animals (at 20) some reference to special legislation, such as the Wildlife Act 1953 and the Noxious Animals Act 1956, seems desirable, since the book is freely consulted by practitioners as well as by students. As to gifts mortis causa, the effect of the Simultaneous Deaths Act 1958 could be mentioned.

Professor Gray has courteously chosen substantially to preserve the text of the original work. It should not, however, be sacrosanct, and I for one would hope that if we are fortunate enough later to have a fifth edition from him we will see more dead wood dropped and a much larger contribution from his own searching mind.

G.C.

**FAMILY LAW**, by P.M. BROMLEY, M.A. Butterworth & Co. (Publishers) Ltd. 1957. lxxvi + 464 + (Appendices)3 + (Index) 23 pp.

**FAMILY LAW**, by E.L. JOHNSON, M.A., LL.B. Sweet & Maxwell Ltd. 1958. xl + 311 + (Appendices)3 + (Index) 5 pp.

These two English text-books on Family Law were written as a result of the emphasis recently placed on the subject by the English universities, and both were intended for students. Bromley is a much more extensive book, having not only more but also considerably larger pages. There is hardly an aspect of the subject which the author has not covered in detail, and even when he deals with a topic such as divorce, where the English practitioner's usual reference books are Latey or Rayden, both the practitioner and the student will benefit from the author's detailed and accurate treatment. Johnson, on the other hand, is frankly a student's book, but for its size it also deals with the whole subject in remarkable detail. Both books are, in their different ways, excellent, and the student of Family Law is extremely fortunate in having Johnson for his day-to-day use, and Bromley for more extensive reference.

An unfortunate feature of both, however, is that neither is of much value in New Zealand except for comparative purposes. New Zealand Family Law has diverged to such an extent from its English counterpart, in both its statutory and judicial development, that the English law on this subject is of interest only to the practitioner or the student who is anxious to broaden his outlook beyond New Zealand. Indeed, some valuable lessons can be learned from the English legislation and cases. Why, for example, should cruelty not be a ground for divorce in New Zealand? On the other hand, should the mere fact that a husband and wife have agreed to separate constitute, as it does, a potential ground for divorce here? Is our Family Protection legislation fulfilling the purpose for which it was designed? The commentaries on these and other vital social questions supplied by the above authors provide a stimulus to thought for the New Zealand lawyer.

B. D. I.

THE NEW ZEALAND LAW REGISTER 1961. Sweet & Maxwell (N.Z.)  
Ltd. viii + 334 pp.

This publication has been running since 1950, and it is a pleasure to welcome the latest edition. It is, as those already acquainted with it know, much more than a Law Register. The first section consists of a desk diary. Then follows a list of Barristers and Solicitors practising in New Zealand arranged according to place of practice, a list of Notaries Public, Commissioners of Oaths, Queen's Counsel, and a convenient section entitled 'Courts and Court Fees', including details of the various Law Societies. Part IV of the book contains material of general information, such as the names of the leading personnel of Government departments, the membership and scale of charges of the Real Estate Institute; Part V contains the current scales of Estate and Gift Duties; and Part VI contains an extended treatment of conveyancing charges. A most valuable feature of the Register is the list of the names in full of persons whom it is necessary to name in Court papers or conveyancing documents.

To put all this material between two covers and preserve the appearance of a handy desk reference book is something of an achievement. To keep the cost down to only 32s. 6d. in these days of rising prices is even more commendable.

The publishers request any constructive criticism for the improvement of future editions. The following suggestions might be of assistance. First, the list of Queen's Counsel should really appear before the list of Barristers and Solicitors. Then, Solicitors would no doubt find it helpful to have a separate list of persons who actively practise as Barristers only. A short Table of Contents, in addition to the Index of Contents, would be of some help. (The cryptic entry 'Tables' in the Index caused some interest until it was discovered that this referred to the Regnal and Conversion Tables at 263-7 and a Table for ascertaining any day of the week from 1851 to 2000 at 268.) There is no list of Official Assignees. The arrangement of material could in some respects be improved: for instance, it seems odd that a list of Coroners should be sandwiched between Rates of Gift

Duty and a table showing the present value of an annuity. These, however, are small and easily-corrected faults. They do not detract from the book's great usefulness as a mine of ready information. It is the best New Zealand publication of its kind.

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