

a creditor has a judgment against all the associates he could not seize a member's share while the association remains undissolved any more than a member could withdraw his share in the absence of special provision in the rules. Again, is it true that a rule of the association providing that all its property from whatever source should be capitalized and only the income used, would mean that the trusts of its entire property and all gifts to it would be invalid (p. 304)? If the rules constitute a contract between the members, would not the possibility of variation of the contract make any trust destructible in the manner required by the rule, or would the contract be regarded as a contract for value to create a trust which would impress an irrevocable trust on the property when received?

A book on a topic so intricate is bound to contain some points with which not all readers will agree, but all should agree that the book is a welcome accession to legal literature.¹²

H. A. J. FORD

The Proof of Guilt: A Study of the English Criminal Trial, by GLANVILLE WILLIAMS (Stevens & Sons Ltd., London, 1955), pp. i-viii, 1-294. Australian price £1 4s. 6d.

Dr Glanville Williams' position as the leading academic legal author in the British Commonwealth is made even more secure by this series of lectures for the Hamlyn Trust, now published under the title of 'The Proof of Guilt'. The book is an erudite yet clear discussion of many aspects of procedure, practice and evidence in criminal trials. In particular, Dr Williams devotes himself to 'the position of the judge as umpire; the defendant's freedom from being questioned; the mode of examining witnesses by question and answer; certain rules of the law of evidence; trial by jury, and for lesser offences trial by lay magistrate' (p. 1).

The approach is legislative, that is to say, turned towards a critical evaluation of present practices and a willingness to consider the legislative solution to any defects which may be demonstrated. Dr Williams is not, however, deluded into the thought that to point to the need for reform is therefore to achieve reform. Two quotations from the book should make this clear: 'It is perhaps hardly necessary to say that Parliament has not yet had time to attend to the report of 1925' (p. 126). 'Unhappily the debate on the Capital Punishment Report does not suggest that the Legislature will allow itself to be influenced by rational considerations' (p. 272).

When compared with European and American practice, Dr Williams' view of the overall efficiency of the English criminal trial is commendatory; but he is by no means insular. The longest section of the book is a discussion of the value of the jury system in which a cautious conclusion is reached urging its gradual abolition—even in those statistically few cases where the jury trial is still used—in favour of something like the German *Schöffen* system. Whether or not one agrees with this conclusion, the analysis is of great value in sweeping away many of the cobwebs of mythology and mystique which surround so many discussions of the jury system.

¹² Since this review was written the report of the Law Reform Committee on the Rule against Perpetuities (Cmnd. 18) has appeared. Dr Morris and Professor Leach have stated their intention of preparing a supplement to their book if the report of the Committee is translated into an amending statute.

The Hamlyn lectures are aimed at a wider public than those of legal training. Dr Willams has therefore cast his work in a style and with a degree of explanation which render it capable of appreciation by the intelligent layman. If the law student can be so classed, and I believe he can, this short book can be most cordially commended to his attention. It is readable; it is full of critical wisdom; and it will give the student a better general perspective on criminal procedure and evidence than he will find in any similar book of which I know.

NORVAL MORRIS

Report of the Special Committee on the Federal Loyalty-Security Program of the Association of the Bar of the City of New York.
(Dodd, Read, & Co., New York 1956.)

It is a matter of common knowledge that in the post-war years there has been great concern with the problem of internal subversion in the United States. It has been given dramatic illustration by the trials and conviction of Alger Hiss, and by the activities of Senator Joseph McCarthy and his Senate investigatory committee. Loyalty and security programmes have been very much in the forefront, and these programmes have given rise to a great deal of soul-searching within the United States. The special committee on the Federal Loyalty-Security Program of the Association of the Bar of the City of New York was appointed to study this programme and report its findings and recommendations for the improvement of the programme. This volume is its report.

The committee was composed of distinguished lawyers drawn from widely scattered areas of the United States, and was provided with a staff which included two distinguished law school professors, Elliott Cheatham of Columbia and Jerre S. Williams of the University of Texas. In examining the problem, it canvassed opinions from many persons in diverse fields including government officers, representatives of business and labour, practising lawyers with special experience in this field, and University teachers. Professor Wolfgang Friedmann, formerly Professor in this Law School, is named among those who have given evidence before the committee.

The problem with which the committee was concerned is one of great practical importance. Twenty years ago, there was no personnel security system in the United States, but at the present time there are federal programmes covering nearly six million government and industrial employees. The report sketches the Communist threat, the problems of national security and the steps taken to guard it. It considers the range and development of security programmes and makes a judgment of their costs and achievements. Finally the committee addresses itself to proposals; and the principal recommendations are that the scope of the programme should be reduced to cover employment in 'sensitive' positions; that the standards which employees should be required to meet should be clarified; that the procedure should be improved in the interests of efficiency and fairness; and that a Director should be appointed to co-ordinate and review the operation of the programmes.

The central problem which has concerned many thinking Americans, and obviously concerns the committee, is that of striking a balance between the demands of national security and the importance of preserving important individual liberties in the United States. There have been