

## BOOKS NOTED

*The Stuart Case*, by K. S. INGLIS (Melbourne University Press, Melbourne, 1961), pp. 1-321. Australian Paperbound Edition. Price £1 7s. 6d.

*The Stuart Case* is written by a non-lawyer (a Lecturer in History in the University of Adelaide), and is intended to present before the lay reader the facts, events, personalities, and (in simple terms) the legal principles involved in this South Australian case. This information has not hitherto been available except through the conflicting and somewhat sensational news reports made at the time of the case. The book is a chronological account of the entire affair—ranging from the scene of the crime to the eventual acquittal of the editor of the *Adelaide News* (Rohan Rivett) on charges of criminal libel that arose from news reports made during the Stuart Royal Commission. An attempt is made to identify the precipitating factors causing the controversy that arose around the case in South Australia, and indeed, throughout Australia. After providing sufficient material to enable the reader to formulate a considered opinion as to the social and legal aspects of the case, the author draws his own conclusions in a chapter headed 'Lessons from Stuart'.

The events surrounding the conviction of Stuart are still remembered. For those interested in finding in accessible form the history of the case, this book is recommended. It is not a legal document, and should not be read as such. The case put forward should be examined as a continuing illustration of the inherent truth in the oft repeated statement of Lord Hewart C.J. that it is 'of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done'.<sup>1</sup>

*Latin for Lawyers*, 3rd ed. (Sweet & Maxwell Ltd, London, 1960), pp. i-viii, 1-287. Australian price £1 9s. 6d.

Seemingly in response to an oft expressed lament by the elders of the legal fraternity, *Latin for Lawyers* is designed to benefit the modern lawyer who often has no working knowledge of Latin. The first part consists of a course in Latin written by E. Hilton Jackson of the American Bar. In effect it is designed to introduce the novice to the fundamental principles of the language, employing as examples the maxims and phrases used by a lawyer in practice. The second part contains a translation of over eleven hundred maxims—the more important with a short explanatory annotation. The final part consists of a vocabulary which is intended to be full enough to enable the lawyer to translate most Latin phrases he may meet with in the Reports.

*Latin for Lawyers* can be recommended as an inexpensive book of reference, and as a work designed to partially lift the veil which has fallen between the modern legal man and the Roman language.

*The British Constitution*, 4th ed., by W. IVOR JENNINGS, K.B.E., Q.C., LITT.D., LL.D., F.B.A., Master of Trinity Hall, Cambridge (Cambridge University Press, Cambridge, 1961), pp. i-xi, 1-210. English price £1 is.

In his fourth edition, completely revised to give an up-to-date picture of the operation of the British Cabinet, Sir Ivor Jennings has written to

<sup>1</sup> *Rex v. Sussex Justices, ex p. McCarthy* [1924] 1 K.B. 256, 259.

fulfil the needs of readers who are not fully conversant with British constitutional history. The examples and the statistics have been brought up to date and, in particular, the sections on parties and elections have been rewritten and appropriate amendments made elsewhere to take into account the considerable impact that broadcasting, television, and public opinion polls have had on the techniques of electioneering, and on the attitudes of the political parties.

*Medicine, Science and the Law*: Official Journal of the British Council of Forensic Sciences. Volume 1: October 1960 (Sweet & Maxwell Ltd, London), pp. 1-132. Price not stated.

This journal is the first issue of a quarterly produced by the British Academy of Forensic Sciences in the furtherance of the objects of the academy: 'To encourage the study, improve the practice and advance the knowledge of the forensic sciences, and to provide a common ground on which the professions concerned can meet.' The initial part includes an editorial, excerpts from the proceedings of the Academy, 1960 (one heading: 'Criminal Law, Criminology and Forensic Sciences'), and other articles including a contribution by Glanville Williams on the subject of 'Diminished Responsibility'. Other sections are headed (*inter alia*): 'Famous Scientists'; 'Law for the Scientist'; 'Current Research'.

For a lawyer who practises in fields relevant to forensic science, a subscription to this journal would appear mandatory. For one merely interested, the journal would appear likewise useful.

*The Indian Administrative Law*, by MANGAL CHANDRA JAIN KAGZI, LL.B., Lecturer in the Faculty of Law, University of Delhi (Metropolitan Book Co. (Private) Ltd, Delhi, 1962), pp. i-xxiii, 1-250. Indian price Rs 20.

With the criteria today of national sophistication generally acknowledged to be the extent of State power over the everyday lives of its citizens, this volume exists as a comforting reminder that India has not abandoned her common law heritage. Perhaps the most important feature of this book lies, not in its contribution to progressive thought in the area of administrative law, but rather in that it sets out in a traditional and yet comprehensible fashion the present position of India in that area of the law where the judiciary can check the power of the executive. The Indian position does, in part, approximate very closely to that existing in England today, for example the rules for determining the validity of a claim by the State to resist discovery (pages 189-190), and the principles of State immunity from statutory liability (pages 180-181). A notable difference is the general discretionary power of 'superintendence over all courts and tribunals throughout the territories in relation to which it [the State High Court] exercises jurisdiction',<sup>1</sup> and the like power of granting leave to appeal from an administrative tribunal conferred by the Constitution upon the Federal Supreme Court.<sup>2</sup> This former power is exercised within the framework of the prerogative writs (pages 145 ff.),<sup>3</sup> while the leave to appeal is granted in the complete discretion of the Supreme Court, although, in practice, certain principles for its exercise have been developed (pages 162-163).

<sup>1</sup> *Constitution of India*, art. 227 (1).

<sup>2</sup> *Ibid.* art. 136.

<sup>3</sup> *Ibid.* art. 226 (1).

These few considerations reveal this work as important in displaying the maturity of post-1947 Indian legal thought, and it can be recommended not only to the student of comparative law, but also to those interested in the light it sheds on the protections accorded to the individual in a modern Asian democracy.

*Legal Institutions in Manchu China*, by SYBILLE VAN DER SPENKEL.  
London School of Economics Monographs on Social Anthropology  
No. 24 (The Athlone Press, London, 1962), pp. i-vi, 1-178. English price  
£1 10s.

In her study of the traditional Chinese legal system of the Manchu period (1644-1911) the author presents a comprehensive analysis of administrative and legal institutions against the background of Chinese social structure. In discussing the function of the government, the underlying philosophical conception of Tao, the creative principle of national order is treated in some detail, and the account of the structure and operation of the administrative bodies is well formulated and intelligible. Careful research has been made into the operation of the law with emphasis on the relationship between various parts and the importance of the law in the social sphere. Mrs van der Sprenkel has succeeded in reducing a mass of specialized source material into a concise account, and in conclusion advances her opinion on the effectiveness of the law in maintaining social order. The book provides an admirable continuation of the London School of Economics' 'Monographs on Social Anthropology' and, in particular, makes a contribution to the sociology of law in general.