

proposals. This is the belief, implicit in the terms of reference under which Sir John Whyatt worked, that the fault springs from defective machinery. Hence the search for new machinery and the appeal to foreign models. At one time it was thought that the *Conseil d'Etat* would prove the means of salvation; more recently, attention has been focussed on the *Ombudsman*. Yet such institutions have, in their own countries, developed over a long period of time, and it may be doubted if they would continue to flourish when abruptly transplanted to an alien environment. Their success, I suggest, springs not from the machinery itself, but from the men who work it.

I believe that it is in the latter direction that we should look for reform. At the beginning of this century, the materials were at hand with which the courts could fashion an adequate system for reviewing administrative decisions. It is true, as Sir John Whyatt notes, that it is currently understood that the courts cannot review executive, as opposed to quasi-judicial, decisions. But this distinction was not part of our legal heritage; it has been made by judges, and quite recently. If this proposition is doubted, one need only compare the action of the Privy Council in *Nakkuda Ali v. Jayaratne*,¹ with that of the South Australian Supreme Court in *James v. Pope*,² or the action of the Divisional Court in *Regina v. Metropolitan Police Commissioner, Ex parte Parker*,³ with that of O'Bryan J., of the Supreme Court of Victoria, in *Rex v. City of Melbourne, Ex parte Whyte*.⁴ It is pointless to multiply instances. It is enough to say that time and again in the last three or four decades the English courts have been presented with opportunities for developing an adequate system of administrative law, and have refused the offer.

So also with Parliament. If it be true that Parliament can no longer control the Executive, to what is this due other than a voluntary abdication by members of their traditional functions? And why should it be thought that the interposition of an additional gear in the box will remedy the breakdown?

Within his terms of reference, Sir John Whyatt has done his work well. His Report is informative and pleasant to read. To those who believe that the solution lies along this path, I can confidently recommend it. But I must express my own belief that the path is a wrong one.

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International Law: Cases and Materials, by WILLIAM W. BISHOP JR, Professor of Law, University of Michigan Law School (Little, Brown & Co., Boston, 1962), 2nd ed., pp. i-xlvi, 1-964. Price not stated.

This leading American law school case-book in international law has just been brought out in a new edition, nine years after its first. Although it has appreciably grown in size this is mainly due to the addition of new material and cases which these last years have brought. The author has maintained his policy of selecting cases and materials according to the value which American practice would attribute to them. A number of British authorities are also included, but only very brief mention is given to authorities from other countries. The reviewer feels that the leading decisions of the Permanent Court of International Justice, and its present-

¹ [1951] A.C. 66. ² [1931] S.A.L.R. 441. ³ [1953] 2 All E.R. 717.

⁴ [1949] V.L.R. 257.

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day successor, should all have been given at least in summary or extract form. The place now accorded to the *Anglo-Norwegian Fisheries Case*¹ is a great improvement on the brief extract in the first edition and it is felt that a number of other cases could also be given more space; otherwise the student is led to underestimate even the limited part the International Court has played in the development of international law.

New problems which have arisen in the past few years are investigated and their present position is indicated. Of particular interest in this connection appear the notes on the Bricker amendment (pages 104 and following), on the European Economic Council (pages 259-265), on Antarctic claims and the new Antarctic treaty (pages 361-362), on extra-territorial effects of Anti-Trust Laws (pages 468-471) and on the present state of the question of territorial waters (pages 489 and following). The signing of the important Geneva Conventions on the Law of the Sea has led to considerable changes in the chapter dealing with jurisdiction over vessels.

The full references to background material on some of those recent United States policy decisions which have provoked criticism are particularly valuable. Mention may be made of the Notes on the 'Connally Clause' regarding United States acceptance of the International Court's jurisdiction (pages 64-65) and on United States policy of non-recognition of China (pages 298 and following). As in the first edition, the author has used numerous extracts from Hackworth's *Digest of International Law*. This, together with his own experience in the Legal Adviser's Office in the Department of State, brings the book close to United States practice as applied by that Department and in the United States courts. Useful practical suggestions for the making of international claims are also given (pages 738 and following).

In connection with the effectiveness of expropriation without compensation (pages 677 and following, especially pages 690-694) it is regrettable that an assessment of the Cuban measures was not included.

For future editions the effect of the German Constitutional Court's decision in the *Television Case* on Article 25 of the German Basic Law might deserve a footnote.

In conclusion, this is a casebook which, although clearly intended by the author as 'frankly American' gives in its editorial notes, references and footnotes a full and stimulating treatment of the most important topics of international law. In particular it makes important American authorities easily available to the student. Valuable additions are the NATO Status of Forces Agreement and the Treaty of Commerce between the United States and the Federal Republic of Germany.

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BOOKS NOTED

Maxwell on Interpretation of Statutes, by R. WILSON, Q.C., and B. GALPIN, M.A. 11th ed. (Sweet & Maxwell Ltd, London, 1961), pp. i-cxxxii, 1-448. Australian price £4 17s. 6d.

This is the eleventh edition of *Maxwell on Interpretation of Statutes*, which first appeared in 1875, and the first new edition since 1953. In recent years statutory law has exerted an increasing influence in altering the framework of our legal system, making a new edition of *Maxwell* welcome.

¹ (1951) I.C.J. Reports 116.

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