

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.

J. LEYSER*

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.

* D. Jur. (Freiburg), LL.B. (Melb.); Barrister and Solicitor; Reader in International and Comparative Law in the University of Melbourne.

While the format of *Maxwell* has remained unchanged, much of the older material, now outdated, has been discarded in favour of the inclusion of many more recent decisions, for example, the important case of *Prince Ernest Augustus of Hanover v. The Attorney-General*.¹ *Maxwell* remains a useful text for the practitioner and a helpful guide to the student.

Green Belts and Urban Growth, by DANIEL MANDELKER, LL.B., S.J.D., Associate Professor of Law, Indiana University Law School. (The University of Wisconsin Press, Madison, 1962), pp. 1-176. American price \$5.00.

This book contains a clear and detailed account for the American reader of English Town and Country Planning with particular reference to the practical application of the green belt policy. The author makes clear the confusion of aims and purposes lying behind this policy which is reflected in the attitude of the public in Victoria. A 'rural zone' on the outer perimeter of the Melbourne Metropolitan Planning Scheme was devised by the planning authority as a method of controlling the speed of urban development; whenever land is released for development in implementation of this policy there is an outcry from those who envisaged the rural zone as a permanent breathing space between built-up areas. The problems of planning in a densely populated island differ from those facing the American or Australian planner or developer, and the author finds it necessary to point out, in explanation of the English stress on the preservation of natural beauty that 'in England the grass is green all the year round'. However, English planning has advanced much further than Victorian planning and the study of detailed problems which the author provides may be of considerable assistance to both planners and developers when concerned with land which is or may become subject to planning controls.

The Examination of Witnesses in Court, by SIR FREDERIC WROTTESELEY, 3rd ed. (Sweet & Maxwell Ltd, London, 1961), pp. i-viii, 1-158. Australian price £1 8s. 6d.

Sir Frederic Wrottesley's *The Examination of Witnesses in Court* first appeared in 1910. His third (and, of course, posthumous) edition is in the same format as the first. Chapters cover the preliminary steps (discovery, interrogatories, evidence-on-commission), then examination-in-chief, cross-examination and re-examination, and conclude with a thumb-nail sketch of the elementary rules of evidence, such as the rule with regard to hearsay. The third edition brings the text into line with the developments of the thirty-five years since the publication of the last edition. Of more interest to English readers, references to the English Orders and other procedural provisions are brought up to date. As a general work of practical application, *The Examination of Witnesses in Court* continues to be worthy of study.

The International Status of the United Nations, by GEUNTER WEISSBERG, LL.B., PH.D. (Oceana Publications, New York, Stevens & Sons Ltd, London, 1961), pp. i-xii, 1-228. Australian price £3 16s. 6d.

This work originates from material prepared by the author towards the obtaining of a Doctorate of Philosophy at Columbia University, where Dr Weissberg is at present Lecturer in International Law. As the title indicates, the author is concerned with the underlining and the illustration of

¹ [1957] A.C. 436.

the recently accepted fact of the vesting of international legal personality in international organizations performing international functions. The classification adopted in discussing the United Nations' international status is clear (and perhaps obvious). Successive chapters deal with specific aspects of the Organization's power to conclude treaties, its activities in Korea, and the creation of the United Nations Expeditionary Force (the manuscript was completed before the Security Council authorized the Secretary-General to establish a United Nations' Force in the Republic of the Congo). More general chapters deal with the privileges and immunities of the United Nations, and its capacity to espouse international claims. Dr Weissberg has produced a heavily foot-noted historical analysis which can form the basis of a modern appraisal of the international personality of the international organization.

International Claims: Their Adjudication by National Commissions, by RICHARD B. LILLICH (Syracuse University Press, New York, 1962), pp. i-xiv, 1-140. American price \$5.00.

Dr Lillich has written on a specialized topic: the procedural device for the settlement of international claims by national claims commissions, with special reference to the United States Foreign Claims Settlement Commission. The author admits that his short study is 'as a preliminary skirmish with the tremendous subject matter', and he has aimed to provide a basis for the further writings on the problem of the settlement of international claims. The author has orientated himself to the United States experience, and to the developing practice of the United States adopting the lump sum settlement-international claims commission device for peaceful settlement of international disputes involving wrongs to private citizens and corporations. Such a specific topic is, of course, still foreign to the Australian experience.

INDEX

(A) indicates Article; (B) indicates Book Review; (C) indicates Case Note.

- ABORTION, (A) 415
- ADMINISTRATIVE LAW
 - casebook (B) 555
 - delegated legislation (B) 268
- AGENCY, (B) 405
- ANECDOTES, (B) 260
- APPEAL
 - to Privy Council (C) 381
- BURDEN OF PROOF, (C) 232
- CAUSATION, (B) 93
- CHARACTER
 - evidence of, (C) 63
- CHOICE OF LAW
 - in Federal Jurisdiction, (A) 170, 348
- COMMONWEALTH
 - structure of, (B) 254
- COMPANIES
 - Victorian Legislation, (A) 461
- CONFLICT OF LAWS, (B) 396
- CONSTITUTIONAL LAW, (B) 403
 - casebook (B) 544
 - choice of Law in Federal Jurisdiction (A) 170, 348
 - Commonwealth, of the (B) 254
 - crown immunity (C) 58
 - electoral practice (A) 510
 - federalism (A) 1
 - Inter Se question (C) 381
 - Malaya (B) 271
- CONTRACT, (B) 270
 - restraint of trade (C) 392
- CONVEYANCING
 - Estate Agents Act (A) 219
 - Stratum Titles (A) 215, (C) 535
- CO-OWNERSHIP, (A) 137, 306, 433
- COURTS, (B) 87

- CRIMINAL LAW, (B) 86, 92, 552
 casebook (B) 546
 eavesdropping (A) 364
 evidence (C) 249
 insanity (C) 81
 intention (C) 73
 misprision of felony (C) 389
 presumption of intention (C) 73
 prosecution (B) 90
 reform (A) 415
 Res Judicata in, (A) 101
- CROWN IMMUNITY, (C) 58
- DAMAGES, (C) 526
 remoteness (A) 197
- DELEGATED LEGISLATION, (B) 268
- EAVESDROPPING, (A) 364
- ELECTORAL PRACTICE, (A) 510
- EQUITY, (B) 272
- ESTATE AGENTS, (A) 219
- ESTOPPEL, (C) 385
- EUTHANASIA, (A) 415
- EVIDENCE
 best evidence rule (C) 537
 character (C) 63
 children (A) 511
 criminal (C) 249
 hearsay (C) 237
 illegally obtained (A) 364
 issue Estoppel (C) 385
- EXECUTORS AND TRUSTEES
 succession and administration (C) 227
 wills (C) 245
- FEDERALISM, (A) 1
- GENERAL ASSEMBLY
 of United Nations, (B) 410
- HEARSAY, (C) 237
- HOMOSEXUALITY, (A) 415
- INDUSTRIAL LAW
 Conciliation and Arbitration (B) 96

- INSANITY, (C) 81
- INTENTION, (C) 73
- INTERNATIONAL LAW
 - casebook (B) 557
 - immunities (B) 407
 - United Nations (B) 410
- INTER SE* QUESTION, (C) 381
- JURIES, (A) 510
- JURISPRUDENCE, (B) 398, 402
 - precedent (B) 400
- LANDLORD AND TENANT, (A) 519
- LAND TAX, (A) 517
- LAW REFORM
 - criminal law (A) 415
- LOCAL GOVERNMENT
 - own your own flats (C) 535
- MARRIAGE
 - Commonwealth Marriage Act (A) 277
- MATRIMONIAL CAUSES, (B) 264
- MERCANTILE LAW
 - sale of goods (C) 240
- MISPRISION OF FELONY, (C) 389
- MONEY LENDERS, (A) 516
- MONOPOLIES, (A) 32
- NEGLIGENCE, (C) 530
- OCCUPIERS LIABILITY, (C) 67
- PENSIONS
 - effect on damages (C) 526
- POLICE FORCES, (B) 262
- PRACTICE
 - Juries (A) 510
- PRECEDENT, (B) 400
- PRESUMPTION
 - of intent (C) 73
- PRIVATE INTERNATIONAL LAW
 - casebook (B) 548

- PROFESSIONAL CONDUCT, (A) 211, (C) 56
- PROPERTY, (B) 549
co-ownership (A) 137, 306, 433
Stratum Estates (A) 215, (C) 535
- RES JUDICATA
in the criminal law (A) 101
- RESTRICTIVE TRADE PRACTICES, (A) 32
contracts in restraint of trade (C) 392
- SALE OF GOODS, (C) 240
- SOCIAL WELFARE, (A) 213
- SOLICITORS, (B) 91
- STAMPS ACT, (A) 516
- STRATUM TITLE, (A) 215, (C) 535
- TAXATION
probate valuation (C) 76
- TORTS, (B) 550
Damages (C) 526, (A) 197
Eavesdropping (A) 364
Negligence (C) 530
Occupiers Liability (C) 67
Polemis on Remoteness of Damage (A) 197
Proof, burden of (C) 232
- TOWN AND COUNTRY PLANNING, (A) 520
- TRUSTS AND TRUSTEES
Purchase of trust property by trustees (A) 15
- UNITED NATIONS, (B) 410
- WILLS, (C) 245
- 116