

It is reasonably clear that these two objectives are not easy to reconcile within the limits of a single operation, and that they may indeed pull in different directions. From the parties' point of view what is needed is a decision which should be given as quickly and as speedily as possible. From the point of view of a legal system, what is needed is a decision which should be reached after the most careful preparation and research. It would seem that on the whole the American method of deciding appeals, which relies largely upon written arguments and allows a great deal of scope to the judges to carry out their own individual research upon the problems involved, is well-suited to the task of laying down law for the future, but likely to involve the parties in both expense and delay. In contrast, the English system, with its predominant characteristics of oral argument followed by an immediate extemporaneous decision, is well-suited to providing a quick and comparatively cheap decision for the parties, but far less suitable for the task of shaping the future pattern of the law. One may wonder whether it is possible to devise a system which would adopt the best features of each of these two methods of deciding appeals, while eliminating some of the less desirable features which are revealed in these pages. In this connexion it might be of interest to have in the not-too-distant future a similar interchange scheme between English and Australian lawyers on the one hand and American and Australian lawyers on the other, since our own appellate system stands almost midway between the English and American systems.

This is an interesting and thought-provoking book, which can be warmly recommended.

PETER BRETT*

Legislatures, by K. C. WHEARE, F.B.A., (Oxford University Press, London, 1963), pp. i-v, 1-247. Australian price 15s. 6d.

Dr Wheare has written this small volume for the very useful Home University Library series. His subject is those bodies—sometimes called parliaments, sometimes called congresses, sometimes called yet other names—which are commonly known as legislatures. As he points out in his opening paragraph, this term can itself be misleading; for much of the work done by these bodies is not devoted to law making, but rather to acting as a 'grand inquest of the nation'. The task that the author has set himself is to describe in broad outline the different patterns, found in the various countries of the world, according to which these bodies perform their various tasks.

The book does not set out to be a great work of scholarship replete with meticulous detail, but rather to give its reader a working picture of the ways in which legislatures are created, how they work, the relations between them and the governments of their respective countries, and particulars of a like nature. This objective has been completely attained. The book is easy to read, extremely interesting, and likely to prove of great benefit to everyone who is interested generally in political problems, whether or not he may be a lawyer.

There is no point in summarizing in detail the contents of the book, and I have already given a sufficient indication of its scope. It contains many valuable lessons for the reader. Here he will find that many tasks which

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are performed in a particular, settled way by the legislature of his own country are dealt with in other countries according to a completely different pattern. Sometimes this difference is a matter mainly of historical growth; sometimes it reflects a deep difference of opinion as to the relative importance of legislature and government. Whatever the differences may be, however, and whatever purpose they may seek to achieve, it cannot but be of value to the reader to realize—as he is forced to realize in reading these pages—that ‘our’ way of doing things (whoever ‘we’ may be) is not by any means the only way in which these same things can be done, nor necessarily the best way. As the old saying has it, there are more ways of killing a cat than by choking it with cream, and Dr Wheare demonstrates in these pages the various methods and provides some account of their efficacy. The reader is left to decide for himself which is likely to be the best way of achieving the result which he desires.

This book deserves a warm welcome from everyone who is interested in the basic principles of democratic government. I can warmly recommend it.

PETER BRETT

The Tait Case, by CREIGHTON BURNS, M.A. (Oxon.). Melbourne University Press, 1962), pp. i-vi, 1-182. Price (paperback) 15s.

The *Tait* case produced a public interest and concern among the people of Victoria which can have been equalled by few other purely local events. Perhaps the most remarkable feature of Creighton Burns' work is that within little over a month of the end of the case he had published a clear narrative of the events which made it up. In so doing, as he remarks in his introduction, he raises, without answering, some of the wider political and social questions which were involved.

For ultimately a multitude of skeins were interwoven in the texture of the events of the battle for Tait's life. To some the question was simply whether or not a community in the year 1962 should retain capital punishment. To others who accepted the retention of capital punishment the question was whether an executive which had commuted the fifteen sentences of death passed since its assumption of office could show good ground for refusing to commute in the case of a sexual deviate like Tait. To yet others the issue was ultimately the narrow issue of law whether a person sentenced to death and alleged to be insane might by virtue of the common law seek from the courts a judicial inquiry into the existence of the alleged insanity and a reprieve if it were proved to exist.

Creighton Burns traces out the events in which these issues became important. He canvasses the arguments raised in them on either side. He is perhaps less complete in his analysis of the technical questions of law which ultimately became all important, but they are indeed more suitable for discussion in a law review article.

Few can have lived through the *Tait* case without forming some views about it. I feel that Burns' own views, like my own, were highly critical of the behaviour of the executive. I think it would be impossible to tell the story of a case as controversial as this, and to tell it immediately after the events, without the narrative being to some extent coloured by the lights in which one saw the actions of the participants. This may be a criticism in the view of posterity; but the events of this case needed to be recorded and Burns has set them down as they appeared at least to me.