The Law of Wills, by I. J. Hardingham, M. A. Neave, and H. A. J. Ford, (Law Book Company, Australia, 1977), pp. i-xxxiii, 1-295. ISBN 0 455 19546 3.

The authors of *The Law of Wills* say in the preface that they 'set out to provide a treatment in depth of the law of wills rather than a study of the whole law of succession'. Once it is accepted that the aim of the authors has been restricted in that way, their work can be seen to be a useful addition to the literature of the subject. Certainly it is a work which will undoubtedly assist students who come to the subject of the law of wills for the first time. No doubt the first chapter of the work which is entitled 'The General Nature of a Will' is written with just such a reader in mind. One would hope that the more experienced reader would be aware of the differences between a testator and a testatrix! However, to say the work will be of assistance to the novice should not be taken to detract from its usefulness in the hands of more experienced and, one would hope, more critical readers.

The authors have attempted to notice all relevant reported decisions in England, the Australian States and Territories, and New Zealand, unless a doctrine is so settled as not to have been questioned in the case law or legal periodical literature of any of those countries. In the event that a doctrine is so settled the authors say that they have attempted only to select cases representative of the doctrine. In performing the task of collecting the authorities, the authors have performed a signal service for the busy practitioner. But it would be unfair to treat the book as amounting to little more than a digest. The authors have brought to bear upon a number of topics a critical appreciation of the problems which are posed by the authorities. In this regard, perhaps the chapter concerning delegation of will making power stands out. The problems posed by the decision of the High Court in *Tatham v. Huxtable*[1] have not in the reviewer's view yet been worked out. The text under review serves to indicate the nature of some of the problems that remain.

The authors have successfully steered a middle course between the Scylla of attempting to reduce complex and difficult questions of law in a way that although capable of comprehension by students is over-simplified and the Charybdis of writing for only the experienced practitioner. However, having attempted to cater for the different needs of a diverse audience, the text is not without its deficiencies as a practitioner's manual.

The authors devote some forty pages to discussion of the principles of the construction of wills. Given that the nature of the discussion is that it is limited to a discussion of principles, it may not be surprising that there is little or no discussion of cases relating to the meaning of particular words. Necessarily this limits the use to which the text may be put by a practitioner who is concerned with a particular problem of construction. In a way this limitation highlights the consequence of the decision by the authors that the text should not be a text including a discussion on the general law of succession. Because the ambit of the work is restricted in that way it cannot, of course, be seen as a substitute for the classic works such as *Theobald*[2] or *Jarman*.[3] Of course, the authors did not intend that it should be so. Accepting the imposition of such a self denying ordinance, the resulting work is one marked by diligent scholarship. It is unfortunate that such attributes have not been applied in a wider field.

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[1] (1950) 81 C.L.R. 639.
[2] Cretney, S. and Dworkin, G., *Theobald on Wills* (13th ed., 1971).
[3] Jennings, R. and Harper, J. C., *Jarman on Wills* (8th ed., 1951).
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Review of Administrative Action, by H. Whitmore and M. Aronson, (Law Book Co. Ltd, Australia, 1978), pp. i-xlv, 1-512, Index 513-9. ISBN 0 455 19593 7.

The past twenty-five years have seen remarkable developments in public administrative law. After an extended period of subservience to the Executive, the Judiciary has restored itself as the custodian of procedural requirements; it has a new, though as yet not fully articulated, self-consciousness of the principles upon which it has proceeded; it has narrowed the immunities which, previously, it had conceded to the higher echelons of the Executive; it has largely freed the substantive law from the tyranny of the writs and, to a degree, freed the writs from their technicalities; and, finally, the Judiciary has had its inherent jurisdiction to review extended by various statutes. Given all this, *Review of Administrative Action* is a welcome addition to the literature on the subject.

All these developments are covered in this volume, one which is 'designed primarily to assist practitioners'. The work is divided into three parts. The first part is introductory and deals with the Administrative Appeals Tribunal and the Administrative Review Council. The second part deals with the various 'grounds of review'. These are breach of the rules of natural justice, *ultra vires* and jurisdictional error. The implication of the rules of natural justice is treated separately from the content of those rules and the latter two 'grounds' are considered, rightly, as *sui generis*. The third part deals with the remedies, equitable and prerogative, and includes chapters on ouster, *habeas corpus*, evidence and procedure. The material on procedure constitutes a particularly useful introduction to the rules of court and the legislation, in all Australian jurisdictions, governing the various remedies.

The treatment of the issue of jurisdictional error is impressive. The issue is clearly identified and a large number of cases which have turned on the issue are either discussed or mentioned. The classification of the cases under the headings of disciplinary tribunals, industrial tribunals, rent tribunals, licensing tribunals, miscellaneous tribunals, time limits and defects in constitution of tribunals should prove of particular assistance to practitioners in their quest for more obvious analogues. Nevertheless, a few questions do arise which it is hoped it is not too pedantic to raise.

It is made quite clear in the text not only that a decision by an inferior authority on the issue of its jurisdiction is, generally, only 'conditional' and 'not conclusive' but also that the refusal by such an authority to exercise a jurisdiction that it possesses will attract *mandamus*. However, there appears to be nothing in the text which gives an indication of those circumstances in which an inferior authority should, of its own volition, submit the issue of its jurisdiction to a court. The matter is discussed by Devlin J. in *R. v. Fulham, Hammersmith and Kensington Rent Tribunal; Ex parte Zerek*.[1]

Furthermore, the issue of jurisdiction nowadays centres on two questions: which matters are to be considered preliminary or collateral and, especially since the decision in *Anisminic*,[2] which errors are to be considered jurisdictional. On the first question, the authors suggest that the answer will be supplied by statutory construction but they add that the answer will be 'largely intuitive'. On the second question, the authors agree that the law on jurisdiction and that on *ultra vires* are moving sensibly into focus and that this movement has been greatly helped by the decision in *Anisminic*.[3] Nevertheless, they consider it imprudent to ignore the distinction between jurisdiction and merits as it 'still does play an important role both in language and in effect'. So the problem is to distinguish those errors of law which go to jurisdiction from those which, as they are within jurisdiction, can only be reviewed if they appear on the face of the record. The list of errors given by Lord Reid in *Anisminic*,[4] which the authors

[1] [1951] 2 K.B. 1, 13.
[2] *Anisminic Ltd v. Foreign Compensation Commission* [1969] 2 A.C. 147.
[3] *Ibid.*
[4] *Ibid.* 171.