

Current Legal Problems 1956, edited by GEORGE W. KEETON and GEORGE SCHWARZENBERGER (Stevens & Sons Ltd., London, 1956), pp. i-vii, 1-275. Australian price £2 5s. 6d.

This is the ninth volume in the series and, like its predecessors, it provides penetrating discussion on a wide range of topics. The first paper is the Presidential address of Sir Patrick Devlin to the Bentham Club and the remaining papers comprise public lectures given during 1955 and 1956 by members of the Faculty of Laws of University College, London.

In discussing 'The Common Law, Public Policy and the Executive' Devlin J. outlines dispassionately, but with insight, the receding influence of the common law in the present century. An Australian lawyer may well be troubled at this calm acceptance by an experienced English judge of the proposition that the executive must be controlled by Parliament itself rather than by the courts and that, where legal controls may be acceptable, these controls may be achieved by some new administrative law and not by the common law. In Australia, political control has been notably ineffective, and the abdication of the ordinary courts in the area of administrative law would leave the individual citizen at the mercy of departmental caprice.

In contrast with the Devlin lecture is D. J. Payne's treatment of the interpretation of statutes in which he urges the exercise of greater judicial activity and the abandonment of what he describes as 'the myth of legislative intention'.

It might be thought that the inaugural lecture of a Professor of Roman Law would be quite out of place in this collection, but Professor Powell writes very appropriately, and entertainingly, on 'Good Faith in Contracts', concentrating primarily on modern comparative law.

The international lawyer is catered for by Dr Schwarzenberger's article on 'The Province of the Doctrine of International Law' and by Dr Cheng's discussion of 'Recent Developments in Air Law' which includes a commentary on the legal status of outer space and on artificial satellites and space travel. These topics are controversial and Dr Cheng is perhaps rather too severe on arguments with which he disagrees. Not everyone will be prepared to accept the implications of his own statement at page 217 that 'in contrast to the outer space, the air space by reason of the earth's atmosphere forming part and parcel of our planet and rotating with it, constitutes a fixed adjunct to a nation's territory and an integral part thereof'.

Some of the papers concern matters directly relevant to Australian law: O. R. Marshall discusses 'Gifts in Favour of Sport and Recreation' and suggests some conveyancing devices which may be employed to give effect to the intention of the donor whose gift might otherwise fail if attempted by more direct means, as being non-charitable. Glanville Williams writes with his usual force on vicarious responsibility in crime; Professor Lloyd discusses the complex problem of the legal control of obscenity with particular reference to the recent attempt by Stable J. to temper the principle in *R. v. Hicklin*¹ and to suggestions for statutory change; E. R. H. Ivamy deals with possible revision of the Sale of Goods Act.

Other articles deal with the Landlord and Tenant Act 1954, which has no Australian counterpart, the control of monopolies and restrictive

¹ (1868) L.R. 3 Q.B. 360.

trade practices, and restrictions on freedom of the press in Commonwealth countries. Professor FitzGerald contributes a politico-legal discussion on 'The Constitutional Future of Malta'.

Every lawyer will find here some articles of interest and profit to him. The book is well produced but some words have been omitted from the statement at page 73 of the facts in *Jones v. Richards*² and on page 205 the sense is distorted by 'not' appearing as 'now'.

A. L. TURNER

² [1955] 1 W.L.R. 444.

Communications, other than those in respect to advertising, including the submission of books for review, should be addressed to—

The Editors
Melbourne University Law Review
The Law School
University of Melbourne
Carlton, N.3
Victoria, Australia

The Editors cannot undertake the return or safe custody of MSS sent to them without previous communication.