

member of the Commonwealth. It also seems clear enough that it was not intended that the general repudiation of South Africa's *apartheid* policies would lead to her expulsion—but merely to a statement repudiating those policies.

The present position seems to be that recent events confirm the author's conclusion that each member has a unilateral right to secede from the Commonwealth (page 125). And they do nothing to disturb his discussion of the right of expulsion of a member which might be exercised by all the other members (page 127). What effects South Africa's withdrawal will have upon her 'co-operation' with other members of the Commonwealth, whether through the few institutions established by members of the Commonwealth as such (page 133), or otherwise, remains to be seen. Clearly the Prime Minister of South Africa will no longer appear at Commonwealth Prime Ministers' meetings. But will such consultations as South Africa has accorded to other Commonwealth members, and the methods employed for representation between them, be changed directly as a result of her withdrawal from membership? Will there be an immediate change in the existing reciprocal citizenship arrangements? The answers to questions such as these are not yet clear, but they will probably turn upon individual rather than agreed and collective actions, to be taken by South Africa on the one hand and by each of the other members on the other.

After the dust has settled, the issues which may well prove to be the key ones are: whether and to what extent the members of the Commonwealth may discuss, and purport to interfere in, the internal affairs of any other members and, just what matters ought be considered to be internal for this purpose. There can be little doubt that in the eyes of almost all the world the Commonwealth has gained in strength and standing by the withdrawal of South Africa for the reasons which led to the withdrawal. The rapidity of change in the world today, however, is such and the differences in conditions and views between members of the Commonwealth are so great, that it would be too much to hope that similarly difficult issues will not be presented to the remaining members in the future.<sup>27</sup>

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*Lord Eldon's Anecdote Book*, edited by ANTHONY L. J. LINCOLN, of Lincoln's Inn, Barrister-at-Law, and ROBERT LINDLEY McEWEN, of the Inner Temple, Barrister-at-Law (Stevens and Sons Ltd, London, 1960), pp. i-xix, 1-201. Australian price £1 14s. 6d.

In celebration of their one hundred and fiftieth anniversary as a publishing house, Messrs Stevens and Sons Ltd have, with the consent of the present Lord Eldon (who possesses the original manuscript), produced this handsome volume. It is a reproduction of the *Anecdote Book* which the great Lord Chancellor kept at the request of his grandson, beginning it in 1824 and completing it in 1827. Although some of the anecdotes have previously been printed, this is the first occasion on which the whole

<sup>27</sup> So far as form and publication are concerned this book is a satisfactory production. There are some blemishes—e.g. the misplacement and duplication of a line in the second paragraph on page 106, and the rather inadequate index supplied.

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book has been given to the public. The editors have rendered signal service by providing a number of footnotes, and furnishing a general note on the organization of the courts in Lord Eldon's day (mainly for the benefit of lay readers) and an excellent set of bibliographical notes on the various personages who appear in the book.

As for the Anecdote Book itself, it belongs to a well-known class of literature, familiar to every profession, in which a writer of professional eminence gives us his own reflection on personalities and incidents of his day. This particular book covers, as might be expected, not only legal topics, but also some of the then current political controversies and the men engaged in them. Any lawyer who enjoys reading personal reminiscences of this kind—and I should imagine that almost every lawyer does—will find it a delight.

I do not want to give the impression, however, that there is little more than personal chatter in its pages. There is much wisdom to be found, and some controversial opinions. New South Wales lawyers will, I imagine, find much to attract them in Lord Eldon's spirited argument in favour of separate systems of law and equity. Again, there is a story involving an application for a *habeas corpus* (anecdote 234), which seems to support the view that, in the eighteenth century at any rate, an applicant could go from judge to judge until he found one who would grant the writ. One cannot say whether it would have influenced the Divisional Court if the book had been published before *In re Hastings (No. 2)*<sup>1</sup> was decided. But it would be useful ammunition in the hands of any counsel who had to argue the same point before an Australian court.

Indeed, there is material for everyone in these pages. There are Lord Eldon's views on the need for the most careful consideration of a case before deciding it, and of the evils which result from hasty judgment (anecdote 213); his assessment (anecdote 202) of the qualities which make a good judge—excellent understanding, great discretion, unwearied patience, and engaging manners; and his views on the way in which a prosecutor should go about his task (anecdote 96). A general picture emerges that the members of the Bar in his day were somewhat rougher in manner and less deferential to the Bench than they now are. One could scarcely imagine even the most eminent counsel today saying to a judge, as did Serjeant Hill to Willes J. (anecdote 203), 'Your Father, indeed, I would have allowed to poh-poh me, but then your Father, my Lord, was an able man'. Nor is it likely that they would play on one of their number today such a prank as was played on Boswell, who was induced to move the court for a non-existent writ (anecdote 25); apparently the Bench took the joke in good part.

I commend this book to everyone who is interested in the law. Each reader will find his own favourite piece. Let me end with mine, which is anecdote 6. Here Lord Eldon recounts that King George III sent him, as a gift and token of affection, a watch with a gold chain and seal attached. The seal was a curious one. It contained a figure of Religion looking up to Heaven, and Justice with her eyes unbandaged—'his Majesty stating that Justice should be bold enough to look the world in the face'.

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<sup>1</sup> [1958] 3 W.L.R. 768.

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*The Australian Police Forces*, by G. M. O'BRIEN (Oxford University Press, Melbourne, 1960), pp. i-xvi, 1-268. Price £1 17s. 6d.

The policeman is always in the public eye; he is an inevitable part of the nature of things in our community. It is his part in the administration of the law which is the best known to the community in general; the appellation often given him indicates that to many people he is indeed 'the law' in all its forms. His actual place in the legal system, while not so omnipotent or omnipresent, is of the greatest importance. Of his eighteenth century predecessor Blackstone ponderously said:

. . . [His] general duty . . . is to keep the king's peace . . . and to that purpose [he is] armed with very large powers, of arresting, and imprisoning, of breaking open houses, and the like: . . .<sup>1</sup>

These remarks about the duties and powers of the policeman of 1756 are true of his Australian descendant in office today. The Privy Council has recently emphasized the true nature of an Australian policeman's status, in the course of determining whether the state government which pays his stipend might recover damages for injuries inflicted upon him which prevent him executing his duties. The Board said:

. . . [T]here is a fundamental difference between the domestic relation of servant and master and that of the holder of a public office and the State which he is said to serve. The constable<sup>2</sup> falls within the latter category. His authority is original, not delegated, and is exercised at his own discretion by virtue of his office: he is a ministerial officer exercising statutory rights independently of contract.<sup>3</sup>

This book, written by a Senior Constable in the Victoria Police who is a member of the Public Relations staff at Police Headquarters in Melbourne, sets out to present a picture of Australian policemen, to acquaint the public with the police, and on this basis alone it deserves at least a qualified welcome. We know all too little about our police forces.

Mr O'Brien provides a brief history of the establishment and development of police forces in each Australian state and territory (except the external territories)<sup>4</sup> and then goes on to describe the present organization of police forces in Australia. He devotes chapters to criminal investigation, communications, the 'special branches', like the water and mounted police, traffic control and juvenile delinquency. What is possibly the most important chapter of the book deals with the qualifications which the potential 'ministerial officer of justice' must have, the training which he has to undergo, and the basic duties performed by the ordinary policeman. Unfortunately, this chapter (chapter 5—'At the Call of Duty') is written in a rather loose style which is uncomfortable to read and which detracts from the force of this part of the book.

To this reviewer the most interesting part of the book is the last chapter, in which the author attempts to analyse the present relationship

<sup>1</sup> (1756) 1 *Comm.* 356. He went on to say, somewhat cynically or perhaps sorrowfully . . . of the extent of which powers, considering what manner of men are for the most part put into these offices, it is perhaps very well that they are generally kept in ignorance'. *Ibid.* For an excellent, brief history of police in England see Sir Carleton Allen, *The Queen's Peace* (1953) 92-127.

<sup>2</sup> The words 'constable' and 'policeman' are generally completely interchangeable. See Gerald Abrahams, *The Law affecting Police and Public* (1938) 18, esp. note (e).

<sup>3</sup> *Attorney-General for New South Wales v. Perpetual Trustee Co. Ltd* [1955] A.C. 457, 489, 490.

<sup>4</sup> Australia is divided into seven states on page 5.