

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.

When on 30 October 1962, while Tait's application for a reprieve was still before the courts and the normal avenues of appeal still open, the executive announced that Tait would hang on 1 November, the government must have strained the trust of many who had stood with it until then. But the rule of law became meaningful again for many when the next day the High Court spoke with the voice of lawful authority. It is good that Creighton Burns has set these things on record, for they should not be forgotten.

J. D. FELTHAM

*Common Market Law, Texts and Commentaries*, Alan Campbell and Dennis Thompson. Stevens, London, 1962. Australian Price: £4. 17s. 6d.

This is a useful, but not altogether satisfactory, introduction to the law which is steadily being built up around the European Economic Community. As the title suggests, the volume is divided into two parts. The first part is devoted to a commentary on the legal and institutional framework of the Common Market, together with chapters on specialized topics, such as the interaction of municipal and 'market' law with respect to Restrictive Trade Practices. A little more than half of the book contains the full text of the Rome Treaty, its key protocols, declarations and regulations and a selection of other Treaty provisions and materials related to the operation of the Common Market.

Unfortunately, too many sections of this work bear the marks of hasty preparation and the reader who seeks more than a superficial understanding of many of the questions referred to by the authors is left without guidance by the serious lack of references. Continental writings are virtually ignored and complementary literature in English is sadly neglected.

The most valuable part of the commentary is to be found in chapters 1-5 which give a succinct, clear summary of the general principles, establishment and policy of the Common Market, the relationship of the 'Six' with Associated Overseas Countries and the institutional structure of the Community. Although this section of the work is largely a paraphrase of the materials in the collection of texts in the second part, this segment is not a mere explanatory annotation. By carefully interrelating the text materials the authors provide the reader with a worthwhile introductory summary to the basic operation of the Common Market.

The remainder of the commentary, however, is unsatisfactory. In 28 pages the authors attempt to summarise the municipal law of fifteen European nations on Restrictive Trade Practices. This chapter is little more than a brief listing of the practices which are subject to control in each of these countries. The right to set up and manage commercial companies in the Common Market countries, and related issues of company organization and control are dealt with in 39 pages. This chapter contains nine footnotes; all cross references to other pages in this book. There is not one reference to lead the reader to the company laws of the 'Six' which are summarised. The remaining chapters of the commentary on the Rules of Procedure in the Court of Justice, Restrictive Practices and Monopolies (Implementation Rules for Articles 85 and 86) and Industrial Property are no better. The final chapter on Industrial Property, for example, is simply a quick reference guide to the basic