

Paul's Justices of the Peace, by GERARD NASH, LL.B. (Melb.), LL.M. (Tas.), 2nd Ed. (Law Book Company, 1965), pp. i-lii, 1-664, Index 665-791. Price \$18.90.

Since its first introduction some 30 years ago the late William Paul's "Justices of the Peace" has been the standard work of reference in all matters relating to the jurisdiction and procedure of Justices, Magistrates and Courts of Petty Sessions.

The great number of amendments to the relevant legislation since that date has reduced the practical usefulness of the first edition and has made a new edition very welcome to the legal profession.

This edition is designed more for the practitioner than the student, and it is regrettable that space could not be found for the Introduction to the first edition which provided a splendid historical note to the present legislation. In other respects the author has followed the scheme of the first edition by setting out the various Acts dealing with the subject matter and providing annotations to each Section.

The original text has been improved by the very full notes of the author who has included a useful summary of the substantive law affecting the various subject matters (civil and criminal) covered by the jurisdiction of Courts of Petty Sessions.

Recent legislation has increased greatly the civil and criminal jurisdictions of Courts of Petty Sessions in Victoria and there has been a number of amendments to Court procedures previously well established. These matters are fully discussed and explained.

The 40 pages of notes to sections 67 and 68 of the Justices Act (relating to causes of action in Court proceedings) and the 15 pages relating to sections 155-162 (Orders to Review) are typical examples of the thoroughness with which the author has dealt with his subject matter.

The index of some 125 pages is comprehensive and very useful to the busy practitioner who can find quickly the text dealing with most of the matters which arise in cases heard before the lower Courts.

To every person who deals with Courts of Petty Sessions or Justices, this edition of 'Paul' will be the text book to which he must at some time turn for practical information ably prepared in language readily understandable by lawyer and layman.

R. H. DUNN*

The British Commonwealth of Nations in a Changing World, by ZELMAN COWEN, (F. W. Cheshire, Melbourne, 1965), pp. 1-88). Price \$2.00

In 1964 Professor Cowen gave the Rosenthal lectures at Chicago; they were published in the U.S.A. in 1965 by Northwestern University Press, and now appear in an Australian edition with an additional chapter. They were excellent lectures for a learned American audience — clear, good-humoured and without either sentimentality or sensationalism. Cowen takes a cool look at the development of the Commonwealth, chiefly since the second world war, and brings out the main features in its institutional development and constitutional theory, so far as it has either. As an introductory study for Australian students of government, and for interested foreigners, this little book will take its place in the literature of the subject.

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Already, however, it illustrates one of the author's opening remarks — it is one of the discouraging things involved in writing and talking about the Commonwealth that yesterday's statements and judgments date so rapidly. Even since his postscript was completed, time's winged chariot has brought U.D.I. in Rhodesia, Russian mediation in the dispute between India and Kashmir, the appointment of an Australian as Governor-General on the advice of the last Imperialist, Sir Robert Menzies, the fall of the oligarchy in Nigeria and the dictatorship in Ghana and the emergence of British-trained military and police leaders as the chief wielders of power in those and other African Commonwealth countries.

Another difficulty with books on this subject is that if confined to law in a reasonably strict sense, they are intolerably slight, and if they go beyond it into political science and sociology, the problems are so vast that eighty pages cannot even scratch the surface.

The love-hate relationship between the new Asian and African leaders and the United Kingdom, which is at the core of the new Commonwealth, is itself most complex and variable, with different elements in different countries. On the loving side, Marxian analysis has considerable validity—the structure of investment and the defence mechanisms of a native *bourgeoisie* threatened by socialism. In terms of social structure, tribal and religious leaders such as the recently murdered Sardauna of Sokoto were glad to add a British knighthood to help preserve their fading charisma, and it tickled the vanity of many African lawyers to be Queen's Counsel. I once asked a Ceylonese senator why his country almost alone of the Afro-Asian Commonwealth had retained the appeal to the Privy Council, seeing that Ceylon did not even have a common law background. He replied, in the accents of Oxbridge, that without such an appeal the Ceylonese would not have confidence in their judges. (Evidently Professor Cowen, unlike the Australian Federal Government, has confidence in Australian Judges, since he advocates the abolition of the appeal from Australia.) Even Nkrumah could understand the greater efficiency and probity likely to be obtained from the employment of British (and Australian) officials, teachers, engineers, etc. in a number of key positions. It may even be that colonialism was not an unmixed evil, even in the nineteenth century, and that many Afro-Asian leaders knew it without being in a position to say so publicly, though Nehru came close to doing so.

On the hate side of the relationship, resentment among the former colonials was inevitable, but a development which may have been just too recent for Professor Cowen's study is the growth of a good deal of counter-resentment among the former oppressors, especially in the United Kingdom. Even British Socialists, surveying the various messes in former British Asia and Africa, are getting restive about the tone of self-righteous preaching which the leaders of such countries often adopt when demanding United Kingdom action about something, such as the present Rhodesian trouble.

Cowen properly pays much attention to the impact of the European Economic Community on the United Kingdom and on Commonwealth policy and mutual attitudes. Indeed, it was the 1962-3 MacMillan-de Gaulle *navano* for a dead alliance which gave Cowen the idea of explaining the Commonwealth to the North Americans. At that time, however, the United Kingdom under a Tory government still suffered from a great

deal of the Menzies-type sentimentalism about the old Commonwealth, was fair game for moral blackmail by the Afro-Asians, and took a masochistic pleasure in being preached at. The winds of change need not always blow in favour of Afro-Asian, or Australian Country Party influence and the end of the Commonwealth may yet come soon and on the European Economic Community issue. Lawyers as such can write only footnotes to events of this kind.

GEOFFREY SAWER*

A British Digest of International Law: Phase One: 1860-1914, edited by CLIVE PARRY (Stevens & Sons, London, 1965). Volume 5, 6 and 8, i-xxx, 1-641; i-xxxvii, 1-852; i-xxxvi, 1-699 pages. Australian prices, \$18.00, \$21.00 and \$19.35 respectively.

Despite the great increase in the number of international treaties in the past fifty years, state practice has remained one of the most vital sources of International Law. The difficulty of establishing positively the practice of a state (in acts of its executive, its legislature, and its courts) has always been one of the worst headaches for international lawyers. The U.S.A. set the world a good example when it had U.S. state practice published, for the first time eighty years ago by Wharton, and since that time more elaborately presented by Moore, then by Hackworth, and now brought up to date once again. It is a pleasure to report that the American example is now being followed in a few other countries.

The compilation of a Digest of British state practice in the field of international law is of particular importance in this respect, and the warmest congratulations are due to the International Law Fund and the organisations associated with it on bringing together the editors and their team of assistants to undertake this great and important work. The first three volumes which have now made their first appearance establish a very high level of scholarship and erudition. Dr Clive Parry of Cambridge, who is the editor, had for the early years of the work on the Digest Sir Gerald Fitzmaurice, then chief legal adviser of the Foreign Office, as consulting editor working with him. This association came to an end when Sir Gerald was appointed to the bench of the International Court of Justice. As Dr Parry says with reference to Sir Gerald, 'but for his contribution, there could have been no Digest'. Although the link between the two is not broken, sole responsibility for the general editorship now rests on Dr Parry. However, in bringing out this most valuable publication, he had the advantage of a devoted team of helpers, most of them holders of special fellowships and scholarships.

Although the Digest is compiled principally from the archives of the Foreign Office, this is a definite understatement. For legislation, international treaties, parliamentary debates, and also decisions of British and international tribunals are given in comprehensive extracts. Further, leading textbook writers are quoted where required. Finally, for the assistance of the reader learned introductions to the various parts are contributed by the editor.

To maintain the material within manageable proportions, certain decisions had to be taken regarding the arrangement. Generally, 1860 has been set as the starting point. The material itself has been divided,

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