

In my opinion Mr Samek's method is most successful in his treatment of certain areas in the law of contract, for example, mistake. Here the materials are reasonably complete and the questions perceptive and revealing. But in other areas the scope of the law Mr Samek has set out to probe in two hundred pages prevent the materials and analysis going beyond an elementary level. His treatment of hire purchase agreements is simply to reprint the Hire Purchase Act 1959 together with about eleven questions. Again, the treatment of the problems of sections 26-31 of the Goods Act 1958 dealing with Transfer of Title is to set out the sections together with the following three questions:

- (1) 'When are goods sold in market overt?';
- (2) 'A sells a piano to B. B pays for it and asks A to store it until he can collect it. Before the piano is collected A sells it to C. Does C get a good title to the piano?';
- (3) 'Why could not Huhn in *Weiner v. Gill* pass a good title to the jewellery under [section 31]? Would he have been able to pass a good title to the jewellery if he had been a mercantile agent?'

It hardly needs stating that there are problems of analysis in either of these areas upon which Mr Samek has not had the space to touch.

However as Mr Samek points out the materials are intended to be suitable for an introductory course in Commercial Law and in this light it is no doubt improper to criticize their limited scope. Thus the book is intended to fulfil a different need to that met by McGarvie and Donovan's *Cases on Contract* (reviewed in the last issue of this journal) which collects in five hundred and ninety-five pages the materials considered necessary by the authors to teach by case-study method a course in the law of contract alone for law students. For an introductory course Mr Samek's materials and questions are admirable.

Two misprints were noticed. On page 74 line 2 'time' appears to be a misprint for 'true'. On page 173 line 3 'A' appears to be a misprint for 'X'.

J. D. FELTHAM

*The New Zealand Constitution*, by K. J. SCOTT. (Oxford University Press, London, 1962), pp. 1-188. Australian price £2 6s. 6d.

This short study of the New Zealand Constitution was published posthumously. Professor Scott died in 1961 and the book was seen through the press by Professor Campbell of Reading University. It is described by the author as an essay in constitutional analysis, and deals not only with the legal powers of the various organs of government but also with the working of institutions and particularly with the conventional restraints on the exercise of legal powers. These are placed in the forefront throughout; the author takes as a title page statement the words of Lord John Russell: 'Every political Constitution in which different bodies share political power is only enabled to exist by the forbearance of those among whom this power is distributed.'

The book consists of chapters on the Constitution, Parliament, the Crown and the Governor-General, Cabinet, the Public Service, the Courts and Administrative Tribunals. Each chapter is followed by a useful bibliography.

In the eyes of an Australian reader, the New Zealand Constitution has a blessed simplicity with little case law and exegesis. Since 1947 the New

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Zealand Parliament has had plenary power to amend the Constitution. In that year the New Zealand Parliament passed two statutes: the Statute of Westminster Adoption Act whereby New Zealand adopted sections 2-6 of the Statute of Westminster, and the New Zealand Constitution (Request and Consent) Act requesting the United Kingdom Parliament to give it full powers to amend or repeal the Constitution Act. The United Kingdom Parliament, of course, complied. New Zealand adopted the Statute of Westminster five years later than Australia. Both Dominions (to use the antique parlance) at the Imperial Conferences and discussions between 1926 and 1930 had been opposed to the formal legal definition of the Commonwealth relationship; and they secured the inclusion of a provision in the Statute of Westminster that the provisions of sections 2-6 were not to extend to them until adopted by their Parliaments. New Zealand postponed adoption for 16 years and only then took action because the introduction of Mr Holland's Legislative Council Abolition Bill drew attention to the need for Constitutional reform both by way of adopting the Statute of Westminster and by way of securing power to amend the Constitution Act. Apart from the notable step of abolishing the Legislative Council, the amendment power has been little used; indeed the author points to the New Zealand Parliament's reluctance to make Constitutional changes as evidenced by the fact that it has not yet tidied reservation and disallowance out of the Constitution Act.

In the chapter on the Public Service, the author refers to problems of administrative controls; and notes the interest in the Scandinavian ombudsman. Since the book was published, the Parliamentary Commissioner (Ombudsman) Act 1962 has been enacted by the New Zealand Parliament. The powers of the Commissioner are wide, and the working of the Act will be watched with great interest by public lawyers and political scientists.

Professor Scott's book is written clearly and in a straightforward style, and is a useful addition to the library of public lawyers and students of political institutions.

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*The Law of Nations*, by J. L. BRIERLY, (revised by C. H. M. WALDOCK). (Oxford, at the Clarendon Press, 1963), pp. i-xvi, 1-442. Australian price £1 17s. 6d.

In the first five editions of *The Law of Nations* Professor Brierly modestly pointed out that this work was an introduction to international law for students and laymen. Over the years, following the first edition in 1928, Professor Brierly more than fulfilled this purpose with his succinct, clear exposition of the rapidly developing international legal order. Eschewing tortuous theoretical discussions, he demonstrated the practical reality of international law far more successfully than the authors of many larger, pretentious volumes on this subject. The value of Brierly's contribution to the literature of international law in this work has been marked by the fact that it ran through two editions and five reprintings in the years 1949-1960. In this sixth edition, the first new edition to be published since Brierly's death in 1955, Sir Humphrey Waldock, the

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