criticism stems from the difficulty of adjusting the decision with section 6 of the Sale of Goods Act (Goods Act s. 11 (Vic.))—a point which, it seems, has little validity if one is looking to the responsibility of the seller in giving an undertaking to supply the goods in question.

The problems raised by standardized contracts remain largely unanswered, though the references are expanded to include, for example, *Bonsor's* case.[5]

The section on communication of acceptance has been elaborated to take in the recent decision of *Entores v. Miles Far East Corporation* (the Telex case).[6] So, too, in the 'ticket' cases, the authors have enlarged the discussion of the efforts of the courts to narrow the effect of exemption clauses *(e.g. Adler v. Dickson*[7]). The authors confess that recent decisions attempting to evade the doctrine of privity brought them 'as near to disagreement as long and close collaboration could allow'. There is some apparent inconsistency between the dogmatic statement at the conclusion of discussion on exemption clauses (p. 111): 'No stranger may seek the shelter of [the exemption clause's] protection. The proposition is elementary. . . . The wonder is that it should ever have been doubted', and the acceptance of the decision of Devlin J. in *Pyrene Co. Ltd. v. Scindia Navigation*[8] that a third party may 'take those benefits under a contract which appertain to his interest therein'. (But, of course, this is a 'commercial' exception.)

For Australian readers, reference to the third edition will still be necessary for Statute of Frauds problems, since this new edition incorporates the recent Law Reform (Enforcement of Contracts) Act, 1954. This statute abolished the requirement of written evidence in all contracts save 'any special promise to answer for the debt, default or miscarriage of another person'. (The 'interest in land' type of contract had already been removed from the Statute of Frauds and re-enacted in section 40 (1) of the Law of Property Act, 1925.) Is it too much to hope that a similar legislative reform will be effected in Australia in the near future?

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Law and Orders, by SIR CARLETON KEMP ALLEN, M.C., Q.C., D.C.L., F.B.A. 2nd ed. (Stevens & Sons Ltd.), London, 1956, pp. i-xxv, 1-474. Australian price £2 19s.

The first edition of this book appeared on the eve of the English election of 1945. It was hailed with enthusiasm by the leading organs of the English press and also by a number of the English weekly political reviews. Among the legal journals, *The Law Times, The Solicitors' Journal* and *The Law Journal* welcomed it warmly, while Dr Harold Potter in *The Conveyancer* greeted it with pleasure but counselled a certain amount of reserve. Sir Cecil Carr in the *Law Quarterly Review*[1] and Lord Chorley in the *Modern Law Review*[2] were much less enthusiastic. They drew attention to a number of errors, and also pointed out that the author's picture was unjustifiably grim. A similar warning was given by Professor G. Sawer in the predecessor of this journal;[3] he concluded his review by hoping that there would be substantial revisions should a second edition appear.

[5] [1956] A.C. 104.
[6] [1955] 2 All E.R. 493.
[7] [1955] 1 Q.B. 158.
[8] [1954] 2 Q.B. 402.
[1] (1946) 62 *Law Quarterly Review*, 58-65.
[2] (1946) 9 *Modern Law Review*, 26-41.
[3] (1946-47) 3 *Res Judicatae*, 80-85.

In his preface to the second edition which now appears, the author states that he has found it necessary to rewrite the greater part of the text. It would seem, however, that the rewriting has been largely of the order of bringing the story – a dismal one, in his opinion – up to date, by including an account of the developments in delegated legislation and administrative powers which have occurred during the past twelve years. He is also at pains to point out that the book was never intended to be, nor is now, a piece of political polemic.

It is therefore pertinent to enquire what the book really is. The author has sub-titled it 'An Inquiry into the Nature and Scope of Delegated Legislation and Executive Powers in English Law'. This suggests that there will be a good deal of careful exposition and at least a moderate amount of careful legal analysis. But the expectation thus raised remains disappointed.

Considered from the viewpoint of a lawyer, the book has little to commend it as an exercise in analysing administrative law at its present stage in England. For the most part, the discussion of the law proceeds on familiar lines and does not examine the problems raised in great depth. Particularly disappointing is the author's failure to notice the efforts of courts in the various jurisdictions of the British Commonwealth to solve a number of problems which, as he points out, are as yet unsolved by English courts.

For example, on pages 164-167 he discusses the possible effect of a failure to lay a regulation before Parliament (if this is required by statute) on the validity of the regulation. A reference to the views expressed by members of the High Court of Australia in *Dignan v. Australian Steamships Pty. Ltd.*[4] would have been welcome here. This discussion is followed by an inquiry into how far the courts may intervene in proceedings of a parliamentary nature. Surely, some reference might here have been made to the careful and elaborate discussion by the Supreme Court of New South Wales in *Trethowan v. Peden.*[5] Again, when the author discusses (pp. 204 ff.), the question whether a minister possessing delegated legislative powers may validly sub-delegate them to some other official, he might well have referred to *Reference re Regulations (Chemicals) under War Measures Act,*[6] in which the Supreme Court of Canada entered into an elaborate analysis of the whole matter.

Nor are these omissions the only flaws in the legal aspects of the book. There are a number of serious inaccuracies in Sir Carleton's propositions of law. Of these I give two examples.

1. On page 42 it is said that in *The Zamora,*[7] the Privy Council held that a prerogative Order in Council was not absolute in itself, but *sub lege* and subject to judicial review'. In fact, in that case the Privy Council held that His Majesty had no power to legislate on prize matters by prerogative Order in Council. The decision was thus one on the extent and scope of the royal prerogative, and is no authority for the proposition cited which appears, in fact, to be incorrect.

2. On page 264 the author states that an action for an injunction may be brought by local authorities, at the relation of private individuals or groups, against the Attorney-General. For this proposition he cites *London County Council v. Attorney-General.*[8] But that report is in fact one of an appeal in an action brought *by* the Attorney-General, not

[4] (1931) 45 C.L.R. 188. [5] (1930) 31 S.R. (N.S.W.) 183.
[6] [1943] 1 D.L.R. 248. [7] [1916] 2 A.C. 77. [8] [1902] A.C. 165.

against him; and it is exceedingly difficult to see how such an action could be brought against the Attorney-General.

If, as I would suggest, the book cannot seriously claim to be regarded as a legal treatise, should it be treated as an essay in political science? Here, again, one is forced to the conclusion that the author paints such a one-sided picture, and that his analysis is so overdrawn as to prevent the giving of an unqualified assent to this suggestion. It is true that he draws attention to all the dangers inherent in modern government and the way in which its problems are at present being handled, but he makes little attempt to draw on the experience of other countries to show how these matters might be remedied. He does draw attention to the French experiments in this direction, but he admits that they are unlikely to be acceptable to the United Kingdom Parliament without a considerable degree of modification.

In truth, Sir Carleton never really makes clear what exactly it is that he would like to see done. In his first chapter he gives a nostalgic account of the balance and checks of powers which existed in the eighteenth century English Constitution, and one may suspect that he would like to see some form of return to the situation as it then existed. He points out that in the nineteenth century the population of England increased four-fold, while the Civil Service was multiplied twelve times. But this proposition proves nothing. One can argue from it either that England rapidly became over-governed in the nineteenth century, or, with equal force, that in the eighteenth century England was exceedingly ill-governed. In this connection, it is well to remember that in the eighteenth century the King's highways were not safe places for the King's citizens and, that in this regard at least, our position has improved a great deal.

Despite the author's denials, one is forced to the conclusion that the book remains, as indeed it always was, a piece of political polemic. As such it has considerable merit. It is well written, witty, and forceful, and makes exceedingly enjoyable reading. But much may be forgiven in the first edition of such a work which cannot be excused in a rewriting. When such a manifesto first appears, it may be assumed that it was written at white heat. Thus slips and inaccuracies are pardonable. But when the slips and inaccuracies continue in a second edition, some justification is needed; but none is offered.

It is a pity, therefore, that this second edition has now been put forward. The author would have achieved his purpose by continuing the reprints of the first edition, of which several had already appeared. As it is, the appearance of a second edition of a work which purports to be, but is not, a treatise on administrative law or certain of its aspects, cannot further, and may indeed serve to discourage, the preparation of a full-scale analysis of English administrative law. In recent years a number of studies of particular aspects of this field have appeared, both in book form and in quarterly reviews. But a full-scale treatment of the topic is still sadly needed.

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