by Fullagar J. of the Victorian Supreme Court in *Harris v. Harris & Fraser*[8] could usefully be added.

The important recent decisions of the High Court in *Bank of New South Wales v. The Commonwealth*,[9] *Nelungaloo Pty. Ltd. v. The Commonwealth*[10] and *Field Peas Marketing Board v. Clements & Marshall Pty. Ltd.*[11] are all referred to, although, as the greater part of the book was in page proof at the time the judgments were delivered, the chapters on Banking and the Acquisition of Property had necessarily to be left to the end of the book. The Banking chapter includes a summary of the Commonwealth legislation, a full explanation of the attack on the 1947 Act and the judgments of the Court. The consideration of *Nelungaloo Pty. Ltd. v. The Commonwealth* has enabled the author to round off a convenient classification of the expropriation cases relating to Commonwealth pools.

This book will be recognized as indispensable for the practitioner; its value for the student is more limited, but for all who are interested in the Constitution, its publication is indeed a welcome event.

S.T.F.

8. [1947] V.L.R. 44.
9. (1948) 76 C.L.R. 1.
10. (1948) 75 C.L.R. 495.
11. [1948] 2 A.L.R. 261.

Cases on the Constitution of the Commonwealth of Australia, selected annotated and indexed by GEOFFREY SAWER, LL.M. (Melb.), of the Victorian Bar, Associate Professor of Law in the University of Melbourne, with Introduction by the Rt. Hon. Sir John Latham, P.C., G.C.M.G.; pp. xxviii; 525; Index 526-538. 1948. The Law Book Co. of Australasia Pty Ltd. £2/10/0.

An eminent Judge, who is himself a leading authority on Constitutional Law, once told me, walking by the air-strip on the Hobart aerodrome, that the decision of Constitutional cases was comparatively easy. I doubt if many counsel will have felt the same way about arguing them. The only subject matter, normally met with in general Bar practice in Australia, which is as inadequately illuminated by authoritative textbooks as the law of the Constitution, is the law relating to the prerogative writs,—a subject, by the way, in which a thesis for a doctorate would simultaneously benefit the profession.

Twenty years of practice rather unfits one to say what is useful to a University student (for I am sure most practising lecturers learn more from lecturing than do their students); but to the counsel or solicitor who has to advise on or argue Constitutional points, his ordinary tools of trade (so far as Australian works go) are Quick & Garran's *Annotated Constitution*, published in 1901, a most valuable but of course then an entirely prospective treatise; Sir Harrison Moore's *Constitution of the Commonwealth*, a really able, informed and authoritative discussion of the origin and the development of the Constitution to 1910; and Dr. Kerr's *Law of the Constitution*, 1925, and Dr. Wynes' *Legislative and Execu-*

tive Powers in Australia, 1936, both expressed perhaps rather as expositions of the cases to those dates, than as critical studies of principle or historical development. To these may be added the *Report of the Royal Commission on the Constitution*, and the evidence of Mr. Justice Dixon (then at the Bar) before it (1927), and one or two papers by that learned Judge and others. There has been rather a dearth, since 1910, of published constructive analysis and criticism from academic sources.

What is really sighed for by the practitioner—why do we apply this curious word to ourselves, suggesting nowadays some kind of manipulation ?—and I should humbly suppose by the University student, is a modern edition of Moore, expanded to include a modernised version of Quick & Garran. In the meantime, of course, the problem is to find, in the mass of case law contained in seventy odd volumes of the *Commonwealth Law Reports*, a statement of principle concurred in and expressed in reasonably identical terms by a reasonable minimum of Judges ; then to find the latest pronouncement upon the point, and see what lies between, and (what is sometimes more difficult) why. A good deal of help has now been given to the profession in these tasks by Professor Sawer's collection of extracts from 55 leading High Court cases on Australian Constitutional Law. He has arranged them under eight headings, covering interpretation, relations between Commonwealth and States, trade commerce and intercourse, defence, arbitration, miscellaneous legislative and executive powers, judicial power, and constitutional guarantees. Up to the date of the *City of Melbourne Case* (1947), Professor Sawer extracts the principal passages of authority on the main Constitutional principles, and that in itself will afford the student valuable guidance in what is necessarily a sprawling sort of subject ; it should save the profession much labor, and conduce (perhaps) to some shorter and clearer arguments.

As a work of selection and reference the book is a useful one. Of course, as Professor Sawer himself points out in the preface, the cases are really intended to provide an adequate elementary introduction to the subject, not a substitute for a fuller study of the law. To my mind, the most interesting and I venture to think the most helpful part of the book is made up of the author's notes to each case. He says they are intended merely to stimulate discussion, and not to dictate conclusions. Nevertheless they form the possible beginnings of an interesting and fuller commentary on the Constitution, and criticism of its judicial interpretation over its first half century, which Professor Sawer could and, one hopes, some day will, do very interestingly and well. The tradition of independent scrutiny and analysis by the Universities of the work of the rest of the profession is strong in England, and should not be allowed to languish here. However much the practical man may be irritated at the allegedly unpractical notions of the academic thinker, the latter can often give a helpful lead in the clear thinking out of principles. After all, if he cannot, then he ought to be able to. One hopes this book may lead on to something of the kind on this subject. Sir John Latham's interesting foreword itself analyses with accustomed clarity the function of courts in implementing the provisions of a federal constitution, and the function of criticism in the development of a system of principles.

One should add (as in reviewer's private duty bound) a word as to the set-up of the book. It is well, clearly and accurately printed. Some kind of marginal or other key on each page, to indicate the number and name of the case, and the author of the judgment being extracted, would help in a later edition. It seems a little odd to one accustomed to law reports to read pages of judgments without being able readily to see who is speaking.

Sir John Robertson said, after the 1891 Convention, that " Federation was as dead as Julius Caesar "[1]. The recollection of that observation in this day and age does no more, perhaps, than indicate the darkness of that particular knight; but one does wonder what he would think today of this volume of over 500 pages.

R.R.S.

1. Quick and Garran, p. 150.

Education for Professional Responsibility: a Report of the Proceedings of the Inter-Professions Conference on Education for Professional Responsibility held in Pennsylvania, 1948: Pittsburgh: Carnegie Press: pp. 207.

The purpose of the conference was to exchange experience between teachers of law, medicine, divinity, engineering and business. There were three sessions: the first concerned the broad objectives of professional education, the second the content and methods of professional instruction, the third dealt with education and the humanities as a preparation for professional responsibility and citizenship.

The volume is stimulating. It is significant that the same type of problem is emphasised by the leaders of each of the professions. Professor Fuller states quite reasonably that the traditional law course has concentrated on the process of adjudication and has rather ignored the process of legislation. He considers that the emphasis should be on the legal processes rather than on the learning of a number of rules. The student must grasp that the purpose of law is compromise between conflicting interests.

Dr. Romano complains that while medical students are trained in the technical side of their work, most courses fail to give the student any opportunity of learning the nature of man and his relationship to the society in which he lives. However, the older traditions are now being broadened. Even the engineers emphasise the need for training the student in the humanities and in social science. " The democratization of society by making all men free citizens meant that the two kinds of education, ' liberal ' and ' practical,' once given separately to different classes, must be given together to all alike."[1] These points will remind the lawyer of the campaign of Pound for broadening legal education.

This is a welcome volume in that it faces squarely the real problems of professional education. In every University the specialist is always insisting on pushing more and more into the courses. The problem is that

1. Professor Buck at p. 202.