in *R. v. Fennell*[8]) of the rule governing the requirements for admitting confessions in these terms :—

> "The confession made by the accused must have been free and voluntary, *that is, must not have been extracted by threats or violence, nor obtained by any promise.*"

The words which I have italicised state a view as to "voluntariness" which is no longer tenable in view of the decision in *Cornelius' Case*—see also *R. v. Lee*[9].

One view advanced by Professor Baker seems to the present reviewer to be somewhat wide of the mark. Dealing with the fact that many "confessions" are repudiated at the trial, and after citing the remarks of Cave J. in *R. v. Thompson*[10] on this point, Professor Baker adds the curious comment :—

> "But not too much importance should be attached to this not infrequent repudiation, for it is felt that it must be a common experience in criminal law circles that confessions are made whilst the accused is still unrepresented ; the repudiation takes place after the brief has been placed in the hands of counsel."

I presume this last statement is intended as an example of *post hoc propter hoc.* If it is it casts an aspersion which, so far as Victoria is concerned, at all events, is quite unwarranted. In any case it betrays a regrettable ignorance of the creative and inventive abilities of those unknown geniuses of the "remand yard" who are forever willing to suggest a good defence—who in fact will suggest up to four or five alternative defences—to any fellow-inmate awaiting trial.

Notwithstanding these defects, (which are slight compared with the merits of the book), the book is one which can and ought to be studied with profit by student and practitioner alike.

At all events, there can be little excuse now for any practitioner who neglects this means of correcting any misapprehensions he may have as to the nature of hearsay evidence.

MURRAY V. McINERNEY.

8. (1881) 7 Q.B.D. 147, at p. 151.
9. [1950] A.L.R. 517.
10. (1893) 2 Q.B. 12, at p. 18.

The Law of Carriage by Inland Transport, by O. KAHN-FREUND. Second Edition. London. Stevens & Sons Ltd. 1949. pp. xxv, 357.

The first edition (1939) was based on Disney's *Law of Carriage by Railway*, but was substantially rewritten. Since then the law of inland transport has been dramatically affected by nationalisation, and the second edition, therefore, had to be largely recast. The work is done with the clarity and skill which we expect from Dr. Kahn-Freund. It is primarily intended for the student, but its usefulness goes beyond that. It naturally cannot compete with the detail of the eight hundred pages of Leslie's *Law of Transport by Railway*, but it has the advantage of being adapted to the recent acts, while Leslie is dated 1928. The

duties of the Transport Commission and the Executives are admirably summarised. A few points are noted. Does a private carrier possess any lien at all, apart from agreement[1] ? It is often assumed that he has, but the cases afford little definite authority. The case of *Singer Manufacturing Co. v. L.S.W. Rly. Co.*[2], is cited without comment, although Leslie[3] suggests that the Court proceeded on a wholly wrong principle. The problem of the duty owed to visitors to railway property is competently and concisely handled.

G.W.P.

1. At p. 245.
2. [1894] 1 Q.B. 833.
3. *Law of Transport by Railway*, at pp. 683-4.

The Law of the United Nations, by HANS KELSEN, Professor of Political Science at the University of California (Berkeley). London. Stevens & Sons Ltd. 1950. pp. xvii, 903.

This book is claimed to be a juristic—not a political—approach to the problems of the United Nations. " It deals with the law of the Organisation, not with its actual or desired role in the international play of powers." The author does not deny the importance of the political aspect but emphasises that it is important to improve, as far as possible, the law established to serve the purposes of the United Nations. This self-denying ordinance, however, results in some of the discussion becoming rather too sterile, but it has the pleasing result that the treatment of the author is entirely objective. Professor Kelsen has had experience in the drafting of the Austrian constitution and with the keen scalpel of the analyst he lays bare the confusions of terminology and the vagueness of the language in which the Charter and the Rules of Procedure are framed. Thus the term *United Nations* is used in many senses. Sometimes the United Nations is regarded as a corporate personality: sometimes its organs are stated to be organs of the individual members. If we consider the Charter as a legal document, one can only wonder how it came to be passed in its present form: if we consider it as a political compromise, we can only admire the success of getting anything accepted at all in that galaxy of experts. Consistency in the use of language can be achieved only if one draftsman has a controlling interest and if the purposes to be secured are agreed. Professor Kelsen perhaps underestimates the political advantage of occasionally inserting in a Charter a few pearls of rhetoric which have no precise meaning or legal result—but after all the Charter is partly a manifesto as well as a Constitution. That this causes technical difficulties of interpretation is clear.

The book is undoubtedly a mine of information. If there is ever a move to amend the Charter, it would prove an invaluable guide, but we suspect that the only reforms in which the nations will be interested will be those of political importance rather than those based on *elegantia iuris*. The effect of the substantial criticisms made would have been greater if many of the " niggling " points had been omitted.