

*Cases and Statutes on Administration of the Criminal Law*, selected and arranged by EDWIN R. KEEDY and ROBERT E. KNOWLTON (The Bobbs-Merrill Company Inc., Indianapolis, 1955), pp. i-xiv, 1-536. American price \$7.50. (Our copy from the publishers.)

The intricacies of United States criminal procedure pose many problems which are unknown to Australian practitioners. The effects of 'due process' and other United States constitutional provisions have played a major part in the development and judicial regulation of criminal procedure there with no like parallels in Australia. The retention of grand jury indictments and the difficulties of finding a venue between county and county within a state, have long been of no real consequence here. Nevertheless, there is much of practical importance for Australia in several fields covered in this new collection of cases and statutes on the administration of criminal law. For the comparative and constitutional lawyer, too, this volume is a valuable repository of materials, which provide a sound basis for worthwhile study.

English and Australian reports provide little decisive authority on questions of illegal search and seizure and the attendant problem of wire tapping has not yet raised its head. Because of this, our courts would probably find it necessary to refer to the United States and Scots experience in these fields before any major step is taken.

Professors Keedy and Knowlton have added to this section since the first edition of the work in 1928, to give within 21 pages a good summary of the present state of the United States law. The question is complicated by the Fourth Amendment of the United States Constitution. The need to prove that a search was 'unreasonable', however, leaves U.S. courts vested with considerable discretionary powers. The examples given of the use of this discretion could prove a valuable guide to our courts in assessing the lasting value of the controversial leading English decisions of *Elias v. Pasmore*<sup>1</sup> and *Kiruma v. The Queen*.<sup>2</sup> Indeed, the entire chapter on Arrest and Investigation deserves the attention of Australian students of criminal law.

The other chapters are less important in assisting the determination of practical issues but they do provide many talking points on all phases of criminal procedure. Thus, the judgment of Delaplaine J. in the Maryland Court of Appeals decision in *Driver v. State*, in the chapter on Judgment and Sentence, contains a valuable discussion on sentencing procedure. If the proposal for the introduction of a parole system in Victoria becomes law, then decisions such as this will deserve earnest consideration by our courts.

For students of American constitutional law or comparative criminal law this volume is an important addition to their primary source materials.

<sup>1</sup> [1934] 2 K.B. 164.

<sup>2</sup> [1955] 2 W.L.R. 223.

The comparative materials are not limited to the United States and there is a liberal sprinkling of extracts from English cases and statutes. The inclusion of sections of Blackstone's Commentaries do much to set out the pattern of historical development of a topic. One weakness, however, is the frequent failure to follow this up with other milestones in development and concentrate too much on the present state of the law.

The sequence chosen by the editors is to be commended. The chapters range from the rules for issue of warrants through the entire gambit of criminal procedure to decisions on the power to exercise clemency. The inclusion of a number of sections from the American Law Institute's Code of Criminal Procedure and the Federal Rules of Criminal Procedure, add greatly to the value of the work. Copious references to law review articles and additional cases give an easy reference guide to more detailed studies of each topic. It is also pleasing to note that American publishers have not abandoned the practice of giving citations in the table of cases.

ALEX C. CASTLES

*Cases and Materials on International Law* by LESTER B. ORFIELD and EDWARD D. RE (The Bobbs-Merrill Company Inc., Indianapolis, 1955), pp. i-xvi, 1-781. American price \$12.00. (Our copy from the publishers.)

As in many other fields of knowledge the writer of a book on international law needs to be skilled in sorting the golden from the gilt and to be steeped in the mysteries of political science and philosophy, though these skills are not sufficient in themselves. For it is even more important that he should have the courage to tackle the task successfully, so vast is the field to be covered in one brief volume and so dangerous is reliance solely on the contents of the customarily revered reports of cases.

The editors of this book have tackled their task with skill and courage. Besides extracts from decisions in various international and national courts there are quotations from text-books and magazine reviews and statements from official documents. This material has been sorted into fairly satisfactory compartments, although it is interesting to note that the continental shelf is dealt with under 'The Jurisdiction of States', instead of 'The Territory of States'.

The collection of material from various sources enables some class discussion of different topics without undue strain on library resources. For instance, if we were considering the effect of international treaties on American domestic law under Article 6 (2) of the American Constitution, we would have extracts from the Constitution, reported cases, and the text of the Bricker Amendment, together with references to more detailed material. However there