

There are greater difficulties in applying "logic" to the English situation than there are when applying it to the other realms of the Commonwealth, simply because in the case of the other realms, history makes it easy for us to "feel" that the relevant legislatures have in only a restricted or contingent sense the attributes of a constituent body. In those realms, Westminster is accepted for long as the necessary ultimate sovereign, and it tends to be replaced, not by the "common law", but by some notion of popular sovereignty. Possibly the Parliament at Westminster could construct a rigid constitution subject to judicial review, but *only by a process initiated by itself*, and possibly only if the physical destruction of everything we associate with that Parliament was part of the process, so as to leave no institution to which traditionalists could look as constituting the "real" sovereign. The "logical" sovereign which Mr. Heuston takes for granted is apt, on careful examination to dissolve into nothing, or to become an infinite regression.

But it is the function of a book of essays, as distinct from an institutional work, to tease our minds and provoke argument, and this Mr. Heuston admirably succeeds in doing. He has a pleasant style and a rich repertoire of stories concerning the history and working of English government. The difficulties this reviewer felt with his book would be fewer if its title were changed to "Essays in English Government".

GEOFFREY SAWER*

Canada and the Privy Council, by Coen G. Pierson. London, Stevens and Sons Ltd., 1960. 119pp. (£1/9/8 in Australia.)

Mr. Pierson is Professor of History at De Pauw University, Indiana. His book deals with the history of appeals to the Judicial Committee of the Privy Council from Canada and of the circumstances which led to the abolition of those appeals. There is some interest in his account of the politics of the process, though even this lacks the detail and analysis which would be required to make it a substantial contribution in the field of political science. His account of purely legal issues involved is quite unsatisfactory.

It is obvious that Professor Pierson lacks the background to understand and evaluate legal issues satisfactorily. The range of cases he covers is too slight and his account of them lacks depth. The Australian reader is at once put off by his ingenuous account of s.74 of the Constitution (p.22) and of the effect of the Statute of Westminster on the amendment of the Commonwealth Constitution (p.55). He suffers from the illusion that the Colonial Laws Validity Act of 1865 had some special relevance to the growth of Privy Council jurisdiction (pp.10,54). He completely misses the significance which the peculiar form of s.132 of the British North America Act had in the question of the competence of the Dominion to execute international agreements (pp.56-58). His preface promises (p.xi) that he will give us some picture of the relevant personalities on the Privy Council, such as Haldane, but in fact he gives us little more than their names and the baldest account of some of their main decisions.

There is room for an adequate work on Canadian appeals to the Privy Council, but it is unlikely that anyone except a Canadian constitutional lawyer of long experience and having an extensive knowledge of the constitutional structure and history of the British Commonwealth could do justice to the subject.

GEOFFREY SAWER*

* B.A., LL.M. (Melb.), Professor of Law, Australian National University.