

Mr Harding convincingly argues that there is a need for impartial and effective procedures for testing police conduct. More than this, these procedures must manifestly be fair and searching, if public confidence in the police is to be strengthened. Any suspicion about police integrity is very damaging to the community. It is in the police's own interests to dispel any doubts which may exist: if they fail to do so they risk forfeiting the public support which is so necessary to law enforcement.

J. A. Seymour

NEW ZEALAND, THE DEVELOPMENT OF ITS LAWS AND CONSTITUTION, by J. L. Robson, LL.M., Ph.D., and specialist contributors. Second edition. London. Stevens and Sons. xx and 532 pp. (including index). New Zealand price \$13.95.

It is a pleasure indeed for this reviewer to have the opportunity of reviewing the second edition of the fourth volume in the series published under the general title, *The British Commonwealth, The Development of its Laws and Constitutions*, and under the general editorship of Professor George W. Keeton. For this volume is entitled *New Zealand, The Development of its Laws and Constitution*, and the reviewer has very fond memories of the assistance that the first edition, published in 1954, rendered to him when as a new recruit to the academic ranks he was confronted with the task of explaining legal development in New Zealand to first year law students at a time when almost the only other published material was a somewhat elderly volume of Hight and Bamford, *The Constitutional History and Law of New Zealand* which was published in 1914. Since the first edition of *New Zealand* was published in 1954 there have been other works published which deal with some of the matters considered in it (principally, Scott, *The New Zealand Constitution* (1962) and McLintock (ed.), *The New Zealand Encyclopaedia* (1966)), but *New Zealand* remains the most informative and interesting single book on the development of the laws and constitution of New Zealand.

The second edition of *New Zealand* is compiled, as was the first, under the editorship of Dr J. L. Robson, but it is patent that his has not been a purely supervisory role, and seven of the fifteen chapters bear the mark of his pen. Professor I. D. Campbell who contributed the sections on criminal law and family law in the first edition has retained responsibility for the former, but has relinquished the latter to B. J. Cameron, who is a newcomer to the panel of contributors and has taken over also the chapter on the judicial system prepared for the first edition by J. W. Bain, who has retired from the panel for this edition. E. J. Haughey, who contributed a chapter to the first edition upon the historical development of the civil law retains his responsibility for this section although he has now divided it into two chapters. The fifth member of the original panel of contributors, Professor K. J. Scott, unfortunately died in 1961 and his place has been taken by Professor C. C. Aikman who, with the assistance of K. J. Keith and R. S. Clark, has contributed the chapters on Parliament and administrative law, and has co-operated with Dr Robson in the revision of the introductory chapter.

In its general lay-out the second edition of *New Zealand* follows much the same pattern as the first edition except that the chapter on adminis-

trative law has been much expanded and divided into two, and the chapter on the historical development of the civil law has also been increased in length (although not as greatly) and divided into two separate chapters, one concerned with property and the other with contracts, commercial law and torts. Largely as a result of the increases in size in these sections, the overall length of the second edition stands at 532 pages—approximately one third more than the first. On the whole, the work undertaken by the contributors in preparing the second edition has taken the form of up-dating the information and comment contained in the first edition, but there are some sections, particularly those relating to constitutional law, administrative law, and the judicial system, where further material has been added with advantage.

In their preface to the first edition, which is reproduced in the second, the contributors made it quite clear that their aim was “to discuss how the law has responded to . . . changes and . . . to relate legal development to the social forces behind it”. They go on to stress that this book “is not an exhaustive treatise on every branch of the law; emphasis has been placed on those branches which have had to make a substantial response to social conditions.”

The determination of the topics and order of chapters undoubtedly has been undertaken to effect the aim of the contributors. The chapters concerned with private law are relegated to the rear of the book, and the book opens with an introductory chapter on the constitutional and judicial history of this country, and then passes on to consider in this order: Parliament, the judicial system, administrative law, social legislation, industrial relations, monopoly and price control, marketing and the primary producer, exchange control and banking and criminal law. It is only then that one reaches three chapters on private law topics—property, contracts, commercial law and torts, and family law. The concluding chapter discusses in general terms legal trends within New Zealand.

On the whole this selection of topics and order of presentation does achieve the contributors’ aim, but there are certain respects in which they appear to this reviewer to fall short. For instance it is not really until the last chapter in the book that a comprehensive discussion of the role of law and of law making bodies in our New Zealand society is discussed, and even then the emphasis is placed upon the legislature. It seems to this reviewer that the aim of the contributors might be more effectively achieved if one of the earliest chapters, perhaps the very first, had dealt in some detail with the role of the courts and of the legislature in the law making process, drawing upon, and to some extent incorporating, some of the material that appears *passim* in the succeeding pages. The first volume in the British Commonwealth series—*United Kingdom, The Development of its Laws and Constitution*—proceeds in this way, and such an order ensures that the sights of the reader are adjusted to the terrain right from the beginning. To this reviewer it also seems rather unfortunate that there is no chapter that is concerned at least in terms with constitutional law: admittedly Parliament is the main constitutional organ and admittedly the chapter entitled Parliament does have some concluding sections describing the sources of the constitution, and the flexibility of the constitution, but this seems to the reviewer, with respect, not to provide the reader with as accurate or as balanced a view of the constitution as possible, especially when there is no real discussion in that chapter of the position of

the Governor-General, government departments, public corporations or local government in the constitutional structure of New Zealand.

Turning to the contents of the individual chapters, undoubtedly each contributor has on the whole written in accordance with the stated aim of the panel, and has endeavoured to relate legal development to social changes and to emphasise those aspects where there has been the greatest change. But there are still some areas where the relationship between society and the law does not seem to have been depicted as clearly or as firmly as one might have hoped. For instance in the first chapter there are several paragraphs which describe the extensive extent to which United States decisions were used in New Zealand courts earlier this century; these paragraphs conclude with the sentence: "[t]he citation of American decisions, however, is not now as frequent as it was". No reason is given for this, and inevitably the reader must ask, Why? Is it because the economic, social, legislative and judicial developments in the two countries have become excessively divergent, or is it because the reported American decisions have become so numerous that most New Zealand law libraries are unable to stock a sufficient number of reports to enable the New Zealand courts to form an accurate view of American decisions, or is there some other reason? Again although passing reference is made in the chapter on the judicial system at page 78 to the fact that the English courts from which the New Zealand Supreme Court originally derived its jurisdiction, included admiralty and ecclesiastical courts, there is no express statement as to what extent, how, and why the Supreme Court succeeded to their respective jurisdictions and/or adopted principles evolved by those courts. (Incidentally it may be remarked that there is much in the section on judicial precedents contained in the chapter on the judicial system which must now be read with qualification, but this is a result of developments that have occurred since the contributors ceased their labours in January 1966.) This reviewer would also have expected that the topic of licensing of occupations was sufficiently pertinent to the aim of the contributors to have merited some discussion, and that the topic of town planning would have been sufficiently important to have warranted more than a bare seven lines of text and a complete omission from the index.

Looking at the volume as a whole, however, it is a most useful and worthwhile contribution to New Zealand legal writing, and it is a great pity that the opportunity was not taken, as with the volume on Nigeria, to publish it in a paperback form, because it is too good a book not to be possessed by as large a number of students and practitioners as possible.

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COMMONWEALTH AND COLONIAL LAW, by Sir Kenneth Roberts-Wray, G.C.M.G., Q.C., M.A. (Oxon.). First edition. London. Stevens and Sons. 1966. liv and 1008 pp. (including appendices and index). New Zealand price \$22.80.

When in 1931 Kenneth Roberts-Wray joined the staff of the Legal Adviser to the Dominion and Colonial Offices, he found that there was a dearth of published material to assist him in the course of his duties in