understanding to distinguish between an action *in rem* and a judgment *in rem*? This suggestion is inspired by the comment in Dicey's *Conflict of Laws* 6th ed. p. 205.

That part of the author's discussion of the rules relating to foreign torts which deals with the requirement that the wrong should be of such a character that it would have been actionable if committed in England, must seem inadequate to an Australian reader aware of the problem raised in *Potter v. Broken Hill Pty. Co. Ltd.*[2] One hesitates to suggest that an English author should investigate the great bulk of Dominion case-law but as Dr Cheshire is not averse to citing South African authority and as the interpretation of the first requirement of the rule in *Phillips v. Eyre*[3] is not covered by a great deal of English authority, consideration of this Victorian case in a subsequent edition would not be out of place.

Such of the foregoing comments as are critical are not so fundamental as to prevent it being said that this book remains the best discussion of English Private International Law available for use by an Australian student.

Dr Morris's *Cases on Private International Law* is a case book in the English tradition. The work is intended as a companion volume to Dr Cheshire's *Private International Law* and as such, unlike the American type of case-book, it presents lengthy extracts from the reported cases as illustrations of problems and principles discussed in the companion text book rather than as problems in themselves. The principle of each case or group of cases is indicated in a short introductory statement and at the end of each group of cases relating to a particular topic there is a pithy note. These notes make available many of Dr Morris's views on the subject and at times contain comment critical of the matter in Dr Cheshire's book. For example, Dr Cheshire's view that capacity to marry is governed by the law of the intended matrimonial home is contested at some length.

The range of cases is adequate to the needs of students and for the Australian student desiring the English authorities in readily accessible form the book should be extremely useful.

H.A.J.F.

[2] [1905] V.L.R. 612. [3] (1870) L.R. 6 Q.B. 1.

A Treatise on Labor Law—by MORRIS D. FORKOSCH. Indianapolis: The Bobbs-Merrill Company, Inc. 1952. Pp.xiv, 1197.

Professor Forkosch, who occupies a Chair of Law in Brooklyn Law School, United States of America, has written an immense book—a volume not only monumental in its physical proportions, but large in its conception. The book includes five "books" (constituting approximately five-sixths of the total contents), with practically all the rest of those contents given over to a number of appendices, to tables of cases, articles and books used or referred to in the text of the

"books", and to a general index. The "books" can be said to be self-contained, each being devoted to what may reasonably be contemplated, for purposes of treatment, as an independent subject in the study of industrial relations.

In the first two books, some account is provided of what was achieved by or for the worker, in his individual capacity, through the agency of social and labour legislation. Consideration is given to the agitations and actions of organised labour in obtaining further reform or relief in labour standards, notably as regards security in employment. Occasion or opportunity is taken to afford, in outline, an explanation of the *rationale,* forms and structure of trade unions. Books III and IV are concerned with the struggle of collective labour for improvement in labour conditions in relation to the law—Book III with respect to the common law as expounded and applied in the courts, and Book IV as to the statutory law. The concluding book is devoted to an examination of collective bargaining and its methods, technique and results—the attempts of labour and management to arrive at their own agreements, or make their own arrangements, in the solution or settlement of the various industrial problems and matters that are incidental to employment.

Professor Forkosch's work cannot be assessed as a production of a markedly original character. In spite, too, of its amplitude of scope and great size, little endeavour is made to treat the subject of labour law and the provision in that law covering the employer-employee relationship on the basis of a comparative examination. Dealing mainly with the American scene, and founded strongly on American data and experience, the treatise must be regarded as essentially a book on the United States. Perhaps the most useful chapters in the eyes of non-American readers are those that furnish a description of the all-important and all-significant legislative measures—the Wagner Act of 1935 and the Taft-Hartley Act of 1947—and the activities of the National Labor Relations Board.

To an Australian at least the work is not always clearly expressed, nor is it easily readable. In places the diction is artificial and perhaps strained, ambiguous or obscure, while the style is inclined to be somewhat stiff. The interpretation and appraisal of events at times is not sound, and some of the judgments of movements are distinctly open to challenge.

Every credit, nevertheless, is due to this highly industrious author for making available, in a relatively convenient and systematic shape, a mass of information in the field of labour relations. Students and practitioners alike in industry are deeply indebted to Professor Forkosch for his tremendous effort. Printers and publishers, too, are to be congratulated for their share in the completion of an undertaking that must have proved a task inordinately exacting in its demands, and extremely wearying in its requirements.

ORWELL DE R. FOENANDER

Pollock on Partnership, by L. C. B. GOWER, LL.M., 15th ed. Stevens and Sons Ltd. (1952) i-xxxv; 1-272. Australian price £2 9s. 6d. (Our copy from the Law Book Co. of Australasia Pty. Ltd.).

As is well known the original English Partnership Act of 1890 was based on the fifth edition of this work which then went through a further eight editions in the hands of its author. The fourteenth (J. W. C. Turner) introduced relatively few changes. The present edition by the Sir Ernest Cassel Professor of Commercial Law marks the first drastic treatment that Pollock's text has suffered. "I decided" says the author, "that the original text should not be regarded as sacrosanct and that additions to it should not be included in brackets. . . . I felt, rightly or wrongly, that the book should be treated as a guide to students and practitioners which should be revivified from time to time, rather than as a work of jurisprudence which should be embalmed as the author left it".

The chief alterations are the substantially revised comments on ss. 14 and 36 of the Act ["Holding out" and "apparent members"] in the light of *Tower Cabinet Co. v. Ingram,*[1] the rearrangement and slight elaboration of the chapter dealing with the administration of insolvent estates, the elimination of the appendix dealing with Limited Partnerships and the substitution of the Business Names Act and Rules; there is also an additional and topical addition in the form of a Note on the drafting of Medical Partnership Agreements in the light of the changes made by the National Health Service Act, 1946. Not all of this new or enlarged material is important for local practitioners.

Apart, perhaps, from the one chapter referred to by the editor (Part II, ch. 3) as being capable of clearer treatment (though only with a much larger explanation), the book maintains throughout that high standard of lucidity and consistency that one would expect from the editor. Professor Gower is keenly interested, for example, in legal education, and I should think this volume admirably suited to achieve that purpose in a particular field. It is so readable as to be well within the compass of a student and at the same time of assistance to the practitioner.

A few small (perhaps only personal) criticisms may be made. Why retain such a phrase as "merely void" (p. 79)? It is difficult to see what the "merely" adds unless the context perhaps might require it. The context is an uncritical acceptance of the refined and unreal logic of *Wood v. Wood*[2] which decided that an expulsion was wrongful and therefore "merely void" and of no effect. "A partner so dealt with has, therefore, no cause of action for damages for he is still a partner".

Again, the Property legislation of 1925 has had quite a considerable effect on the nature of the partners' interest in the real property of

[1] [1949] 2 K.B. 397. [2] (1874) L.R. 9 Ex. 190.

the partnership, etc., little of which would be applicable here (see, for example, p. 69, where the old position is retained in a paragraph of the text though the footnote, 81, cites *Re Fuller's Contract*[3] which decided that the partners are entitled "in undivided shares" to the beneficial interest in the property – the property being held on the statutory trusts).

Apart from these differences in substance and a few minor procedural matters, this volume will still be of considerable service in Victoria. The Partnership Act itself has not been amended since its consolidation in 1929.

F.P.D.

[3] [1933] Ch. 652.

Proprietary and Private Companies in Australia, by R. KEITH YORSTON, B.Com., F.C.A. (Aust.) and EDWARD E. FORTESCUE, F.C.A. (Aust.), 2nd Ed. The Law Book Co. of Australasia Pty. Ltd. (1952). Pp. i-xi; 1-264 (plus supplementary chapter). Price £2 2s.

The authors of this work are already well known, both as a team and individually, and there is a steadily growing list of publications in which one or the other has had a share. These publications range from Accounting – *Elementary, Fundamentals,* and *Advanced,* through the various Guides – *Company Secretary's* and *Director's* – to *Australian Mercantile Law.* The list constitutes a sharp reminder of the constant interaction and extensive overlapping occurring in this area between Law and other associated studies.

It is often said that the lawyers are losing business to the Accountants and the fact that neither of the authors has a law degree underlines that fact

The book deals with the advantages, formation, statutory duties and general practice of Proprietary (and private) companies. Their main advantage, of course, is the achieving of limited liability without losing control to outsiders. A proprietary company is broadly defined as "a limited liability company of not more than fifty members, excluding employee shareholders and ex-employee shareholders, and which restricts the right to transfer its shares (except in Western Australia) in addition to prohibiting the invitation to the general public to subscribe for its shares or debentures . . ."

When one reads that in those States which have for some time provided for proprietary companies, *more than 90 per cent of companies registered are proprietary,* the potential value of a book such as this is immediately apparent. (These figures seem comparatively stabilized since in Victoria, in 1927, the percentage was approximately 89).

The scheme of the book is clear and well marked. After a brief discussion of the nature of a proprietary company the authors discuss its advantages and disadvantages, as compared first with part-