

Rules made thereunder, but also the Imprisonment of Fraudulent Debtors Act, so far as it relates to County Courts, the Service and Execution of Process Act and its Regulations, and Part I of the Instruments Act. In addition the Schedules to the various Acts and the forms scheduled to the Rules of Court, together with other forms provided by the authors, render the volume a source and reference work of practical value. The solicitor will doubtless derive satisfaction from a Scale of Costs which is currently effective.

The style of the work continues the pattern of the earlier editions and the practice more widely used in recent years, of annotating the sections of the Act and the particular Rules with the references and decisions of cases applicable to them. There are copious references to the more frequently used sections and Rules, each time attractively set out comprising a brief explanation of the decision as well as the citation of the case. In dealing with the Rules most frequently used in practice—such as those relating to final judgment summonses, discovery and interrogatories—the authors have included a great amount of useful general material, the value of which is enhanced by the collection of Victorian decisions. The introduction of a reference to the Australian Digest is to be commended.

The work is intended to be a guide for practitioners in the County Court. In serving this end, the volume ably carries on the traditions the earlier authors have founded. It is informative, useful and of immeasurable assistance to counsel and solicitors engaged in County Court litigation. The authors have produced an up-to-date volume of everyday use which, notwithstanding the unfortunately high price, will find its way on to every practitioner's shelves.

It may be thought an omission that the County Court Adoption of Children Rules were not included, particularly in view of the difficulties which have occurred in that sphere in recent years. In addition a practitioner is bound to find an occasional decision which is not cited in reference to a particular Rule. However, all criticisms of or omissions from the work are necessarily minor in nature. They do not detract from the general excellence and utility of the work.

I. J. G.

Landlord and Tenant Practice and Procedure, 2nd Edn, by C. P. JACOBS and ALLAN FREEMAN. (The Law Book Co. of Australasia Pty. Ltd., Melbourne, 1954), pp. i-xxvi, 1-248. Price £3 3s.

He who would keep pace with the law of Landlord and Tenant must run with the fastest. It is a matter of some regret therefore that the latest edition of Victoria's only current work on the subject is already out of date. In a sense it may be said to describe a mere twelve months in the fugitive life of this evanescent creature of the Legislature. It embodies the legislation of 1948 as amended by that of 1953 together with a complete reprint of and commentary on the 1953 Act. But Act No. 5847 of 1954 has now to be accounted for.

The new Act does not of course detract from the value of the book as a collection of case law but it does make caution necessary. That it is of great value will be readily admitted by all who have used its predecessor of 1948. But the paper-covered pamphlet has been succeeded by a solidly-bound volume of more imposing appearance and more enduring worth.

The previous edition is too well known to call for any detailed discussion of the present one. All who have used it have come to appreciate it as a repository of learning. Its scope and purpose have not changed. It is an annotation, with all the merits and defects of an annotation. The annotating has been performed in a most thorough and comprehensive manner and at the same time without loss of conciseness. If occasionally it fails to provide a satisfactory answer to some questions of common concern this is a defect attributable, not to the learned authors, but rather to a lack of litigious effort by dispirited parties who can only be said to display a disheartening lack of interest in the confounding of confusion by resort to the higher jurisdictions.

Thus, for example, one wonders to what extent a lessor is bound by the doctrine of *res judicata* if he brings proceedings a second time on the same or similar grounds, supported by the same or similar facts. Again one wonders whether a lessor may now absolutely refuse his consent to the assignment or subletting of business premises if the tenant holds them under a lease which forbids assignment or subletting and excludes s. 144 of the Property Law Act 1928. The answer is not forthcoming. Can a notice to quit be served by post or do the words "without prejudice to any other mode of service" in s. 37 (4) mean common law mode of service and not that permitted by s. 65, this (as has been alleged) being inapplicable to notices to quit because they are dealt with by s. 37 (4)? Are the words "as a result of which he would be seriously prejudiced" contained in s. 37 (5) (f) to be read as applying to the words "has agreed to sell or let the premises" or only to "has taken any other steps"? Perhaps we shall never know, if amendments continue. However, although the Landlord and Tenant Act is the last of the wartime measures to remain unrepealed the need for its existence in its present or some altered form does not appear to diminish but rather increases as more and more immigrants come into the country and home building continues to lag.

Accordingly it seems likely that for some time yet the unfortunate magistrates of Victoria must grapple as best they can with unresolved problems such as those mentioned above. Amid the distraction of the contentions of opposing counsel, hampered by having had only a rudimentary training in the law, they often have as their sole guide what they can find in Jacobs and Freeman to enable them to deal with a branch of the law which is almost mediaeval in

its technicality. That the book for the most part provides the guidance needed, both by them and by all others concerned, is a remarkable achievement, and one for which the profession as a whole is indebted to the learned authors.

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