

The Law and Practice Relating to Sale of Land in Victoria, by F. BULLOW. Butterworth & Co. Ltd., Melbourne, 1957), pp. i-xxiii, 1-191. Price £3 8s.

Some seventeen years ago I read, for purposes of review but with pleasure and instruction, Voumard's *Sale of Land*. In my review ((1940) 2 *Res Judicatae*, 175) I hailed its publication as a notable work. The lapse of time and my frequent references in the meantime to that book have not diminished my admiration for it. The ten years spent in its preparation were well spent. I regret to state that I find none of the merits of Voumard's book in the volume now under review. This volume bears all the marks of a hastily compiled commercial production designed to extend the sales of Moss' *Sale of Land (N.S.W.)* to Victoria by virtue of its references, albeit incomplete, to relevant Victorian legislation and decisions of the Victorian courts.

The author claims no lofty aim for his book. He commends it to the legal profession in Victoria 'as a convenient book which may lighten to a small degree the demands of the busy practitioner'. However, success even in such a limited objective demands an orderly and logical presentation of the subject matter and, not least, an effective index.

A cursory glance at the table of contents, with its variety of loosely worded and connected sub-headings grouped under some nine chapters, excites misgivings as to the logical arrangement of the work as a whole, and an examination of the index discloses that it is far from satisfactory. To take but one or two examples—the only reference to 'requisitions' in the index is to page 122 but the main discussion of this topic, such as it is, is at pages 37-42, and one looks in vain in the index for the references in the text to the Statute of Frauds.

The author appears to assume that the busy practitioner will have no interest in underlying legal principles but will be assisted by the collection in one volume of a multitude of particular instances more or less connected with the topic 'Sale of Land'.

If the practitioner is fortunate enough to find in the book a case which in its facts is on 'all fours' with that currently worrying him, he may be helped if relevant authority has been cited; but otherwise he can expect to find no worthwhile exposition of legal principles to guide him. In this respect this book contrasts strikingly with Voumard's, which, with its logical and lucid composition of underlying principles, cannot fail to assist the intelligent although busy practitioner. The rival merits of these two books may readily be tested by the discussions in each of such important matters of relevance to the sale of land as mistake, misrepresentation, misdescription and defect of title. In the one, light is shed on subtle but vital distinctions; in the other, confusion.

The book under review has evidently been compiled with undue haste—a serious defect in a legal publication. What but haste in preparation could explain such statements as: 'a contract¹ may be treated as abandoned unless a valid acceptance is given within a reasonable time' (page 8), and the unintelligible statement of the proposition for which *Welch v. Handcock*² is cited (page 48). Incidentally on this same page will be found reference to '*Ellis v. Gaulton* (1803), (sic) 1 Q.B.', and to 'Griffiths, C.J.' It would perhaps not be uncharitable to attribute to haste also such statements as that a misrepresentation must 'form an integral part of the

¹ Italics are the reviewer's.

² (1907) 7 S.R. (N.S.W.) 404.

contract', and 'a representation which does not form part of the contract . . . will not avoid that contract' (page 29), and the instances where dubious propositions are asserted dogmatically without citation of authority to support them—see for example page 26 relating to extrinsic evidence and page 33.

In his preface the author states that his book incorporates the effect of the Transfer of Land Act 1954. This appears to be an overstatement. Thus, on page 128 reference is made to the important section 42 of that Act, but reference to the important sub-section (2) is omitted. One serious criticism of the book is its failure at all times to keep distinct the problems arising in connection with the sale of land according as the subject land is under the General Law or the Torrens System.

I have regretfully come to the conclusion that the publication of this volume was not worthwhile. As an eminent statesman is reported to have said of the English surname 'Bossom': 'Funny name isn't it?—It's neither one thing nor the other!' As a text-book for the student it contributes nothing to the elucidation of legal principles: as a reference book for the busy practitioner, it would, I apprehend, prove neither a safe nor useful guide.

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Salmond on Jurisprudence, 11th ed., by Glanville Williams, LL.D. (Sweet & Maxwell Ltd., London, 1957), pp. i-xxix, 1-550. Australian price £2 12s. 6d.

Even were there few significant changes it would be important to note the eleventh edition of this book. Almost from its first appearance in 1902 it became a standard text-book for students, and many of those who sit in the most senior judicial positions in this country were brought up on it. In spite of changes the general character of the book as produced by its author through seven editions is still evident. In the hands of its present distinguished editor, however, the rate of change is increasing. To the reader coming to this book for the first time it will no longer be easy to discern where the views of the original author change into the views of the present editor. Dr Glanville Williams in his preface justifies this by saying:

The policy of treating *Salmond on Jurisprudence* as a text-book of living thought rather than as a dead classic has generally commended itself. But as necessary changes take the text farther from the one left by the author, it becomes more difficult and less useful to attempt to chronicle all the changes. Occasionally I have mentioned, in a footnote, that the author held an opinion different from the one now expressed in the text, and have indicated the reason for the change. But otherwise I have given up the effort which I made in the previous edition to catalogue my additions, omissions and alterations.

There are in fact some substantial changes in the content of the book. Dr Williams has written two new chapters (7 and 8) on the English doctrine of precedent. These chapters deserve much greater comment than is possible in a short note of this kind. Suffice it to say here that they will be of interest and of value to the student of law.

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