



REVIEWS AND NOTICES

Limitation of Actions: By Michael Franks, 1959, Sweet & Maxwell Ltd. pp. Lviii and 323 incl. index.

It is, indeed, a pleasure to me to review the book 'Limitation of Actions' by Michael Franks. The subject has a long history and its various statutory provisions have continued to be consolidated since 1833. Even so it challenges us today with an unending chain of unsolved problems. It is, therefore, singularly praiseworthy that the author deals with the complicated subject with such ease and confidence.

The book is divided into five parts. The part, Introduction, deals with the application of the Statute in a systematic and excellent way and covers other matters of general importance as well. Part II deals with the limitation rules as applicable to specific actions. Part III concentrates fully upon the general extensions and exceptions, as for example, lunacy and part payment. Part IV discusses comprehensively the applicability of the equitable doctrine of laches and in Part V the salient points relating to pleading and practice are skillfully tackled.

Finally, there are the Appendices—Appendix I and Appendix II. Appendix I deals with the Limitation Act, 1939, and is split up into three parts. Part I deals with periods of limitation for different classes of actions. Part II deals with extension of limitation periods in case, of disability acknowledgment, part payment, fraud and mistake. Part III deals with general matters such as application of the Act and other limitation enactments to arbitrations, provisions as to set off or counter-claim, acquiescence etc. It also deals with Law Reforms (Limitation of Actions, etc.) Act, 1954. There are also schedules provided to show both the extent to which the enactments of the Limitation Act, 1939, and of Law Reform (Limitation of Actions etc.) Act, 1954, have been repealed. Appendix II, on the other hand, deals with Limitation (Enemies and War Prisoners) Act 1945. It also gives two Tables—Table I and Table II providing particulars to determine whether a case is within or beyond the period of limitation.

It hardly needs to be stressed that the subject of limitation is not easy to treat. It covers the whole field of civil law. It may be that the modern tendency is to standardise the limitation rules and the



Limitation Act amply reflects it. But still each type of action has its own peculiarities.

Moreover, the author himself rightly observes : “ Limitation as a subject hovers uneasily between the rules of substantive law and the rules of procedure ; a result of the general principle that the effect of the Statute is to remove the remedy by proceedings without affecting the right.” The book very ably attempts to strike a compromise between gathering all the relevant material under each type of action on the one hand and emphasizing the factors common to all actions on the other.

Research is not easy in any field of human knowledge, much less in law. Human society under the impact of ever multiplying social needs continually changes and progresses. Law, therefore, must also possess a variable content and its changes must be commensurate with the expanding needs of a community. Thus the growth of statutory and case-law is a unique feature of modern societies all the world over. To study all the statutory enactments and case-law in all its implications on any subject involves, apart from Sisyphean labour, a real and earnest spirit on the part of a scholar.

Judging Mr. Michael Frank’s contribution from this point of view, one may safely say that his achievement is conspicuous in as much as he has so skilfully covered the wide subject in such a short compass. All the relevant statutes and cases, old and new, have not only been mentioned, with meticulous care and precision but they have even been discussed, explained and distinguished with the same exactitude and completeness.

It is true that the book deals with English law of limitation. Still it should have a place in the libraries of lawyers, judges, teachers, courts and universities. The basic principles of the limitation law of both countries, after all, except for a few differences here and there, are the same.

Finally, as far as the language of the book goes it is sufficient to say that the author has presented the subject in the usual traditional style of a lawyer, simple, direct and clear without any the least attempt at ornamentation.

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Wurtzburg’s Building Society Law : Eleventh Edition by John Mills, O.B.E., B.A., of the Middle Temple and Lincoln’s Inn, Barrister at Law, assisted by Bryan J.H. Clauson, M.A., of Lincoln’s Inn, Bar-

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