

BOOK REVIEWS

Public International Law Cases from Malaysia and Singapore, by S. Jayakumar, Singapore, Singapore University Press, 1974, 458 pp.

This book is a welcome addition to the literature of international law. Although the author states that he has prepared it "basically for students and teachers in Malaysia and Singapore", the book deserves attention by students and teachers of international law outside these countries, and not least in Australia which has many close ties with the countries concerned.

Many of the cases cited are familiar and tend to be included in any casebook of international law: e.g. *De Bataafsche Petroleum Maatschappij, N.V. v. The War Damage Commission (Singapore Oil Stocks)*;¹ *Duff Development Company Ltd. v. The Government of Kelantan*;² *Mighell v. Sultan of Johore*;³ *Sultan of Johore v. Tungku Abubakar*.⁴ However, the book also includes many cases which are less well known and yet throw some light on difficult issues of international law. A surprising number of the cases cited were decided in the nineteenth century and, although some of these are of considerable historical interest, it is not proposed to refer to them here. As for the more modern cases it is not surprising to find that many of them concern treaties, particularly in the area of State succession and extradition. Also included are a number of cases concerning the laws of war and other armed conflicts, whether arising from the Japanese occupation of both Malaya and Singapore during the Second World War or from the more recent "confrontation" between Indonesia and Malaysia. Australian readers may be particularly interested in the case of *Public Prosecutor v. Oie Hee Koi*.⁵ The case, before the Judicial Committee of the Privy Council on appeal from the Federal Court of Malaysia, concerned the important question whether the Geneva Prisoners of War Convention 1949 was applicable to Malaysian nationals and whether the power of the Government of Malaysia to legislate for the security of the area was limited to its own nationals and persons owing allegiance to it, or whether it applied also to members of the invading Indonesian armed forces. On certain issues, Sir Garfield Barwick, jointly with Lord

¹ [1956] *Malayan L.J.* 155; 23 I.L.R. 810; [1956] Singapore L. Rep. 65.

² [1924] A.C. 797.

³ [1894] 1 Q.B. 149.

⁴ [1952] *Malayan L.J.* 115; [1952] A.C. 318.

⁵ [1968] A.C. 829; [1968] 1 *Malayan L.J.* 148.

Guest, dissented from the majority judgment given by Lord Hodson, Lord Wilberforce and Sir Douglas Menzies. In the present state of the world it will be surprising if some of these serious issues do not recur. On a rather lighter note a surprising amount of learning went into the decision of McElwaine, C.J. of the Singapore High Court⁶ to the effect that certain cigars, sent from Shanghai to the German ambassador in Moscow at a time when the Soviet Union was still a neutral in the Second World War, but detained in Singapore, must be regarded as enemy property, the learned judge holding:

I have no doubt that in normal times courtesies are extended to ambassadors accredited by a friendly nation to another nation while they are in transit through our country, but I do not imagine that similar facilities would be given to an enemy ambassador if he attempted to pass through our territory on his way to assume his duties in a neutral state.

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The Law of Minors in Relation to Contracts and Property, by D. J. Harland, Sydney, Butterworths Pty. Ltd., 1974, xxxviii + 238 pp. \$18.00.

This book is almost entirely an analysis of the Minors (Property and Contracts) Act 1970 (N.S.W.), although Professor Harland does devote space as well to other relevant legislation such as the Trustee Act 1925, the Conveyancing and Law of Property Act 1898 and the Conveyancing Act 1919.

The book will be of principal value to New South Wales lawyers, for it is a careful and methodical exposition and discussion of legislation affecting them. After introductory chapters dealing with the age of majority, and the capacity of infants at common law, Professor Harland summarises the 1970 Act and then devotes chapters to such features of the Act as attaining the age of majority, beneficial civil acts, dispositions of property, capacity by court order, civil acts not initially presumptively binding but subsequently rendered so, and civil acts not presumptively binding. There are also chapters dealing with the control and management of the property of minors, the law of succession affecting minors, and minors and the law of torts. The book concludes with an appraisal of the 1970 Act. The author has tackled what many would regard as one of the most daunting tasks of an academic: the analysis of an important new piece of legislation before there has been any judicial interpretation of it. He expounds the principles of the Act, and shows

⁶ *Re Contraband Mails ex M.V. "Conte Rosso"* [1946] *Malayan L.J.* 5; [1941-42] *Straits Settlements L. Rep.* 197.

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