Book Reviews

THE NOMINALISTIC PRINCIPLE by E. Hirschberg. Israel: Bar Ilan University, 1971. Pp. 1-134, Bibliography 135-138, Price not mentioned.

Money is one of the fundamental "commodities" in our society. Its availability as a medium of exchange and a unit of account is assumed in most legal transactions. In view of its importance, both to the law and to society, it is strange that few lawyers have investigated its legal nature and characteristics. *The Nominalistic Principle* does not pretend to be a complete exposition of the law relating to money—leave that to Dr. Mann whose excellent monograph, *The Legal Aspect of Money*, is now in its third edition—but a consideration of the effect of the legal principle that a pound is always a pound and a dollar is always a dollar in a world of unstable currencies and changing values.

Blackstone wrote that money 'is a universal medium of common standard by comparison with which the value of all merchandize may be ascertained.' In his day, because money was tied to a metallistic standard, which gave it not only a quantitative but also a qualitative dimension, the statement was true for temporal comparisons and reasonably accurate in historic terms. In the twentieth century, when money has "value" by reason only of community acceptance and sovereign decree it functions only as a contemporary measure of value. This book explains how money has been deprived of its attribute of constant purchasing power, by the implementation of Knapp's Theory of Money and the law's adherence to the nominalistic principle. The author, then, examines ways in which money can regain its lost attribute, either wholly or in part.

The author favours implementation of a valoristic theory of obligations, which, in medium to long term loan transactions, would move the risks of inflation, depreciation and devaluation from the creditor to the debtor. The debtor's liability to repay would be altered from a fixed nominal sum of money to a sum of money of equivalent purchasing power to the sum borrowed. Currently, such advantages are available to creditors who incorporate gold clauses or appropriate indexation provisions in their lending contracts. Hirschberg recognizes that there could be difficulty in establishing appropriate indices, but believes that political considerations would be a more formidable obstacle. The State, as a major debtor, would be unlikely to introduce a system which would prove to be extremely costly to it. While the politicians are unlikely to adopt a valoristic approach to monetary obligations, it is possible that, in appropriate circumstances, the courts might consider the matter. *Schorsch Meier GmbH.* v. *Hennin* [1975] 1 All E.R. 152 (C.A.) and *Miliangos* v. *George Frank (Textiles) Ltd.* [1975] 3 All E.R. 801 (H.L.) may be decisions abrogating the breach-date conversion rule where claims involving foreign currencies are litigated and recognizing that judgment may be given in foreign currencies, but it is tempting to think that they are an indirect recognition by the courts that strict adherence to the nominalistic principle can be a source of injustice. However, the change in judicial practice with regard to matters of private international law should not be taken as presaging a move to valorism in the settlement of domestic obligations.

For those who are more interested in law as it is rather than as it ought to be the final chapter on revaluation will have more appeal. Revaluation is the ultimate legal response to a bout of uncontrolled inflation. There is much that can be learnt from the experience of the American South after the Civil War and of Germany in the 1920s.

The Nominalistic Principle has much to commend it: the subject is topical, and the necessary substratum of economic theory is presented with refreshing clarity. Those who read a chapter at random will find the material interesting and thought provoking, but those who read the whole will find the interest dulled by the sameness of the format from chapter to chapter, an undue repetition of ideas within its limited confines, and occasional snippets of information which have little connection with and detract from the main thrust of the argument.

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DISCRETIONARY TRUSTS by I. J. Hardingham and R. Baxt. Australia: Butterworths, 1975. Pp. i-xxvii, 1-226, Bibliography 227-228, Index 229-235, Hardback $15.00.

This book is an expanded version of Dr. Hardingham's doctoral thesis, with additional material respecting New South Wales tax contributed by Professor Baxt.

It is an exhaustive treatise on the structure and practical implications of the discretionary trust, with particular reference to the tax systems of New South Wales and Victoria. For those trusts lawyers who haven't stopped talking since the momentous decision in *McPhail* v. *Doulton* Dr. Hardingham's book is a mine ready made for exploration. Every issue relative to the discretionary trust is discussed in the depth one would expect of a doctoral thesis. No argument is left unconsidered and many traditional assumptions are questioned.

The first six chapters of the book concern themselves with discretionary trusts, the last three with tax matters. Chapter 2 offers a detailed analysis of the nature of the discretionary trust, and I found particularly useful the author's remarks at para. 2.03(i) on the standing of objects of a mere power to complain of lack of consideration, and at para. 2.11(ii) on the sorts of reasons which led the courts, in the nineteenth century, to adopt a rigid attitude of dividing trust funds amongst the objects of an implied gift over in default of appointment in strictly equal shares. In Chapter 3 Dr. Hardingham examines the whole question of certainty of object, and I welcome the fortitude with which he attacks, in paras. 3.10 and 3.11 *Tatham* v *Huxtable* and *Lutheran Church* v *Farmers' Cooperative* and the spurious growth in Australia of the so called rule against the delegation of the will-making power. At the time of writing this review clarification of this rule is under consideration in Queensland.

In Chapter 4 there is a full account of the way in which the rules against perpetuities and accumulations apply to discretionary trusts, and Chapter 5 deals with the control of discretionary trustees by the Court. I found paragraph 5.04(iii) on the doctrine of fraud on a power very useful. Chapter 6 examines the interests in the discretionary trust of those participating in the making and administration of it, as well as those who benefit under it, and in this chapter the tax orientation of the book first becomes apparent with a comparative review of the use of the word "property" in different tax acts.

No book review could do justice to the store of material collected in this volume and I know that I will re-read it, with added enjoyment and illumination, many times.

To join issue with so expert author on the subject of his specialty is to court

ridicule and so in mentioning the following points, which struck me perhaps because of my own sense of the difficulty of this subject, is not in any way to criticise the work. Here and there I felt that the author was guilty of overkill, as they say these days, in the presentation of some of his arguments. For instance I doubt whether it is nowadays necessary to take as long as Dr Hardingham does, in para 2.01, to refute the proposition that there is a *presumption* of a gift over in default of appointment, amongst the objects of a power of appointment, in the absence of an express gift over amongst them. That proposition has long been exploded, and, as Dr. Hardingham says, it is entirely a matter of intention. But I would have liked to read a thorough examination of the cases where implied gifts over in default of appointment have been found, and some attempt to rationalise the general attitude of the court. There are many cases, including Australian cases such as *Permanent Trustee Co* v *Redman* (1916) 17 S R (NSW) 60 and *Re Isaac Himmelhoch* (1928) 29 SR (NSW) 90 neither of which is mentioned. For what it is worth, my own view is that at least in the context of family trusts, it is fair to assert that there is a constructional preference, though not a presumption, in favour of the finding of an implied gift over in default of appointment.

At a deeper level Dr Hardingham has adopted terminology which he is entitled to adopt but with which there may be room for disagreement. I refer to his decision to include within his definition of the discretionary trust both mere powers vested in trustees and what he refers to as trust powers (para. 2.01). In my observation one finds the expression trust power used in at least three different senses: (1) the mere power vested in a trustee; (2) the trust requiring the trustee to make discretionary distributions of the trust fund; and (3) the implied gift over in default of appointment. I never use the expression trust power, and I refer to the trust requiring a trustee to make discretionary distributions of the trust fund exclusively as a discretionary trust, which Dr Hardingham refers to as a trust power.

As a result I felt some confusion when reading para 6.04, which is a discussion of the interests of takers in default of appointment under a discretionary trust, since I have tended to regard takers in default as beneficiaries under a strict trust—as they always were before McPhail v Doulton at any rate. I mention this because there *is* divergent usage of the terminology under discussion and whatever terminology one uses is an adoption and will not necessarily agree with all the received texts.

Finally I unreservedly recommend this book to all those committed to a deeper understanding of any part of the law of trusts.

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THE LAW RELATING TO BANKER AND CUSTOMER IN AUSTRALIA by G.A. Weaver and C.R. Craigie. Australia: The Law Book Company Ltd., 1975. pp. i-xxxiii, 1-757, Appendices 758-795, Index 797-819 Hardback $32.00.

Even since Sir James Paget first published his monumental work on banking law in 1904 the subject has taken on an independent character of its own within the realms of commercial law just as the banker-customer relationship enjoys certain unique features within the law of contract.

Ungoed-Thomas J. once opined that "banking law is not a separate body of law, though like innumerable other activities, it has statutory provisions dealing exclusively with it, and being a distinctive and important activity textbooks

separately dealing with it. (*Selangor United Rubber* v. *Cradock* (1968) 2 All E.R. 1073 at 1118). But, indeed, it is a separate body of law if for no other reason, than for those which he declared.

There were only two other works on this aspect of the law in Australia, the first being Manning and Farquharson, The Law of Banker and Customer in Australia, published in 1947 and Riley on Bills of Exchange, the second edition published in 1964) when Weaver and Craigie arrived. Now a rival has appeared in the form of Banking Law and Practice in Australia by Weerasooria and Coops (published by Butterworths). The last two decades have seen many developments in the organization of the banking system resulting particularly in the establishment of the Reserve Bank of Australia. On a microeconomic scale, the business of banking has also undergone radical change. Whilst the traditional duties of the bankers are still performed, banks now underwrite, through finance companies to a large extent, the short-term money market and on a more significant level merchant banks support enormous capital development. Weaver and Craigie throughout recognises these changes and in every respect, though conservatively presented, is a contemporary work.

Weerasooria and Coops appears to have been written primarily as a text for students although it is obviously suitable for practitioners and bankers alike. Weaver and Craigie follow a similar pattern although as they state in the preface they have deliberately edited material on basic concepts which could be found elsewhere. For that reason it is a little difficult to appreciate why Part VI of the work entitled "Securities for Advances and Loans" should have been so long as it contains lengthy passages on mortgage securities both real and personal generally together with a discussion upon priorities. The aim seems to have been to incorporate this for completeness. The common law relating to banking was inherited entirely from the English common law. However, there are now a substantial number of Australian decisions which are at variance with the English authorities, for example, in relation to the duty of banks when cashing cheques (*Colonial Bank of Australia* v. *Marshall* (1906) A.C. 559) and the now famous *M.L.C. Assurance Co. Ltd.* v. *Evatt* (1968) 42 A.L.J.R. 316 concerning negligent misstatement with regard to investment. Such indigenous decisions are well amplified and discussed comparatively with their English counterparts.

The setting out of the book is excellent; it boasts a substantial index and is written in a very simple, easy-to-understand style. It would be as ideal a textbook for which to base a course as it would be for those practitioners of banking law and indeed, the bankers themselves, to consult in day-to-day experience.

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PLEADING PRECEDENTS by M.M.G. Britts. Australia: The Law Book Company, 1975. Pp. i-ix, 1-152, Appendices 153-180, Index 183-188. Hardback $13.50.

This short and concise book of 178 pages on practice and procedure in New South Wales is divided into nine sections and appendices. It owes its existence to the New South Wales Supreme Court Act 1970 which took effect from 1st July 1972, which resulted in the codification of numerous statutory enactments and procedures and to the New South Wales District Court Act 1973 which repealed the District Courts Act 1912. The overall result has been a standardisation and

simplification of practice and procedure in both the Supreme and District Courts of New South Wales.

The brief introduction sets out basic information necessary for commencement of proceedings in the Supreme and District Courts, mention of the relevant pleadings and the manner of pleading. Parts II-VI of the book take up some 20 pages and examine in a little more detail the statement of claim, appearance, defence and cross-claims, subsequent pleadings and summons.

The major part of the book, some 97 pages, is taken up with miscellaneous pleadings which provide a basic frame work for some of the more common claims.

Parts VIII and IX reproduce certain provisions contained in the Rules applicable in the Supreme and District Courts of New South Wales whilst the appendices contain some selected Supreme and District Court Forms, particulars of negligence in running down cases, a form of Schedule for Directions, some Notices of intended actions and a Form of Petition under Claims against the Government and Crown Suits Act 1912.

In his introduction, the author notes that before 1972 Precedents available as guides to common law pleadings were found in the third edition (1868) of Precedents of Pleading by Bullen and Leake, in the seventh edition (1868) of Stephen, Principles of Pleading and in Principles and Precedents of Pleadings (1961) by A.F. Rath Q.C. and that those publications had in the past provided valuable material for practising lawyers and students. Since the modernisation of practice and procedure in New South Wales has removed anachronisms that tended to restrict the use of current English principles and precedents, it seems to the reviewer that those precedents available before 1972, including Lord Atkin's Court Forms, which are not referred to by the author but are perhaps the best guide available to the modern practitioner, will have a greater use than ever before. The reviewer therefore wonders whether such a book as this well serve any useful practical function other than perhaps to a student who has had only limited access to a law library or to a practitioner in a similar position or in a state of pecuniary embarrassment.

Whilst that objection is of universal application throughout Australia, it is only Part VII that is likely to be of interest in Queensland in any event. The miscellaneous pleadings there listed are of general common law application and will certainly have some relevance here, even though the extent of their application will be restricted.

In Queensland the Rules relating to the Practice of The Supreme Court and to pleading therein are contained in the Rules of The Supreme Court which came into operation from 1st January 1901. Substantial amendments took place in 1965 and were published in the Gazette on 14th December 1965, at pp. 1431-1649.

The First Schedule to the Rules sets out extensively forms and pleadings which are relevant to practice in Queensland and which are to be used whenever applicable. (See Order 94 Rule 1, Supreme Court of Queensland Rules).

The Rules relating to the Practice of the District Court in Queensland are contained in The District Courts Rules 1968. The Schedule of Forms to those Rules sets out, when applicable, the forms to be used "For all actions, matter or procedings" in the District Court (See Rule 6(a), Queensland District Court Rules, 1968).

It is the reviewer's submission that when a practitioner needs to go beyond the forms in the Schedules to the Rules, Lord Atkin's Court Forms will serve him best.

However, the book is adequately written and presented. It does not set out to

be a comprehensive guide to Australian practice and procedure (and nothing could be further from the truth than to suggest that it is) but rather a useful addition to a busy practitioner's library. It provides a quick and ready, although sketchy, reference to some of the more common claims and if no more than that is expected of it, then it may fulfil a limited practical role.

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CASES AND MATERIALS ON EQUITY by J. D. Heydon, W.M.C. Gummow and R.P. Austin. Australia: Butterworths, 1975. Pp. i-xxxvii, 1-391, Index 393-398. Hardback $19.00. Paperback $15.00.

This casebook can be justly praised as a useful aid for students who have the good fortune to study an equity course which includes not only the law of trusts but also introduces them to the wider equitable doctrines and principles. The authors in the preface to their casebook make it clear that this was their main object in preparing the book. Although the book is intended primarily for students, it should also be of help to teachers of equity who wish to set tutorial exercises around the topics and cases dealt with in the book. In recent years Ford's *Cases on Trusts* has been used for this purpose in the Trust section of equity courses. It is to be hoped that this casebook will prove to be as useful as the detailed material provided by Ford in his casebook.

Most law teachers will have little difficulty in finding plenty of extracts and materials dealing with assignments of property in Equity, but when they turn to the chapters dealing with "Grounds for Relief" they may find that the material provided is sketchy and inadequate. A glance at the chapter on "Fiduciary Obligations" should make this clear. At the same time, Chapter 14 which deals with "Undue Influence", provides a useful indication of the contribution made to this area of equity by Australian Judges. A consideration of the judgment by Dixon J. in *Johnson* v. *Buttress* (1936) 56 C.L.R. 113 will serve to remind us of the profound grasp of equity which that Judge demonstrated when detailing the principles upon which relief against undue influence could be granted. Perhaps the authors should also have included the judgment of Kitto J. in *Blomley* v. *Ryan* (1956) 99 C.L.R. 362. A reconsideration of his judgments might lead to the conclusion that he should also rank in the preface with Sir Hayden Stark, Sir Wilfred Fullager and Sir Owen Dixon as Australian Judges who have made great contributions to equity.

The appearance of this casebook along with Meagher, Gummow and Lahanes *Equity: Doctrines and Remedies* suggests that scholars are again giving their attention to the doctrines and principles developed by the Court of Chancery. It is hoped that this increase in interest will continue and that these general works combined with the preparation of a casebook for students will lead scholars to an in-depth study of the many areas briefly treated in the casebook. Only when such work is undertaken will it be possible to assess the conviction held by these authors that equity forms a unity rather than merely a scattered collection of glosses on the common law and that equity is reducible to fundamental principles. *Cases and Materials on Equity* can point the way to such investigation but can never take the place of scholarly and judicial statements of what constitute the doctrines and principles of Equity.

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LITIGATION by M. J. Aronson, N.S. Raeburn and M.S. Weinberg. Australia: Butterworths, 1976. Pp. i-xl, 1-710, Index 711-721. Paperback $22.50.

It has often been felt in legal circles that academic lawyers do not give enough attention to the practice subjects in law school curricula. Unfortunately, in the past, there has been evidence on which such a view could be soundly based. Practice, as a subject in the Queensland Law School was put over to a post-graduate year, outside the LL.B. curriculum itself. That matter is now being discussed again, and hopefully we will see the subject's return to the degree course before too long.

A good knowledge of the practical workings of the law gives life to the body of substantive law. It has been said that practice is the handmaid of the law.

Its vital importance was humourously expressed by James L.J. in *Attorney-General* v. *Earl of Lonsdale* (1870) 23 L.T. 794 at 795, in these words—

> "This case reminds me of what I was told forty years ago by the late Mr. Jacob, that the questions in respect to the importance attached to them, and the zeal with which they are argued, are in this court in the following ratio—practice first, costs second, and merits third and last"!

On a more serious note, one has only to peruse the decision of the House of Lords in *Esso Petroleum Co. Ltd.* v. *Southport Corporation* [1956] A.C. 218 to see the importance of pleading to the litigation process. There have been earlier attempts in British textbooks to outline the rules of practice and procedure in a functional way e.g., Wilson's "Cases and Materials on the English Legal System", but this work is the first Australian attempt.

The authors believing that litigation can be viewed as a single process, trace the process from pre-trial procedures through the process of the trial itself. The student is given an abundance of material which will enable him to relate his substantive law knowledge to the actual workings of the laws. The work is not a study in depth of any one area, but an attempt to outline the law over the whole area. It is well set out, proceding from topic to topic in a chronological fashion. Much research must have gone into the work. Authorities from Canada and the U.S. are quoted (see the useful case *R.* v. *Wray* on p.297).

Since I am mainly interested in Criminal Law and Procedure, it is to that part of the work that I mainly referred. The procedure on arrest, through the bail process, up to trial is well covered. The teacher will now have a good source book to use in explaining the pre-trial processes, which have hitherto been somewhat neglected in the criminal law area. Police Powers have been amply illustrated with good case examples.

One minor omission I noticed was the failure to cite the judgement of Gibbs and Lucas JJ's in *R.* v. *Hagan* [1966] Qd.R. 219, dealing with the onus and standard of proof on a voir dire when a confession has been challenged in a criminal trial. It could be inserted with advantage to the work.

In the criminal law field the book brings together all the main rules of law relating to the workings of the law. This is a very valuable exercise in itself. It will enable class discussion to become more meaningful, in that the students can now be led through the whole litigation process, as well as the rules of substantive law.

It is not before time that artificial subject barriers (e.g., Evidence, Pleading and Practice etc.,) should be lowered, and the students given an over view of the whole process of litigation. As I have said earlier, the rules of substantive law they have spent years digesting, only come alive in the real situations of the preparation for a trial, and the trial itself.

It is unfortunate that the book was written before the Evidence Bill of 1976 was presented in Queensland and the Criminal Code Amendment Act 1976 (Qld) was passed (dealing with joinder of criminal charges). The Evidence Bill will make amendments to the text necessary (e.g., the Bill proposes to change the law relating to the competence and compellability of the accused's spouse in a criminal trial). No doubt these will be covered in a future edition. The authors have chosen areas of law subject to rapid change (witness the proposals suggested in the Australian Law Reform Commission Report on "Criminal Investigations") and I would think that supplements to their work will be issued on a fairly regular basis.

The book concerns itself primarily with the situation in NSW, but there is extensive reference to the law inthe other States of Australia.

It is one of the most useful casebooks that are now available. It is no mere "scissors and paste" work. The book breaks new ground in providing a source for those who wish to teach the "practice" subjects in an integrated and functional way.

It should also be useful to practitioners who appear regularly in the courtroom, for it collects most of the authorities they are likely to need during the litigation process.

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THE LAW AND ADMINISTRATION OF ASSOCIATIONS IN AUSTRALIA by M. G. Horsley. Australia: Butterworths, 1976. Pp. i-x, 1-203, Appendices 204-288, Index 289-296. Paperback $12.50.

In much the same way as the limited liability company has become the sign of industrial or commercial enterprise, the generic term 'association' is an indicator of regulated leisure-time activities. Associations in a variety of guises—clubs, societies, institutes and federations—promote, organise, co-ordinate, supervise and legislate for a myriad of activities—sporting, cultural, educational, religious, patriotic and political. Already there are thousands of these associations in every state. The number is likely to increase in the future. The continued existence of all such organisations is dependent upon them being properly constituted and competently managed. This is a guidebook for all those committee men and paid officials whose duty it is to manage their association according to law in the best interests of their members.

The book is relatively short, but its 16 chapters and 4 Appendices contain a wealth of information. The material, a judicious blend of technical requirements and good-common sense, is presented clearly, concisely and in an orderly manner.

It is probable that an intelligent laymen, unversed in the mysteries of association creating or management, could, by following the advice contained in this book from Chapter 6: Forming a New Association to completion, including advice to seek legal or other professional assistance, form and successfully run an organisation. Naturally topics such as the constitution and rules, office bearers, membership, meetings and minutes, finance, accounts and annual report form the core of this treatment, but the chapters on Banking Taxation and Insurance, and Fundraising and Public Relations raise issues which might otherwise not be considered initially by an association but which could be critical to its growth. Appendices A-C, which contain the model Rules for associations incorporated

under the Tasmanian Associations Incorporation Act, model Memorandum and Articles of Association for a "Section 24" company limited by guarantee, and specimen standing orders, provide an ideal supplement to the text. Appendix D: Styles of Address and Orders of Precedence will be of assistance to officers engaged in fund-raising or the organisation of major social events, but is probably of less practical use than an Appendix devoted to the form of motions and the art of writing up minutes.

The first six chapters of this book are devoted to a discussion of the nature of associations and of the types of association provided for by statute or which exist independently of statute. The list includes associations incorporated under Associations Incorporation Acts, companies limited by guarantee formed pursuant to the provisions of the Companies Acts, industrial associations, trade unions, friendly societies, associations incorporated by Royal Charter, and unincorporated associations. Clearly, it is impossible to detail all the attributes of these organisations or associated statutory registration requirements in 62 pages. The author has compromised by concentrating on registration requirements in the case of the bodies formed under Associations Incorporation Act and the Companies Act, and dealing with distinctive characteristics in other cases. It is a pity that the author writes descriptively in these chapters and makes no attempt to evaluate the strengths and weaknesses of the structures described nor to provide guidance to the reader wishing to select the best structure for his proposed association from those available in the appropriate jurisdiction. Notwithstanding this criticism, the reviewer recognises that the author has performed a major feat in compressing his information into a small compass without destroying its readability or accuracy. In this regard referring to trustees, at pages 51 and 59-60, without fully apprising potential trustees of the extent of their responsibilities and potential liabilities is the major charge which could be levelled against the author.

This book could be used as a primer for instituting and administering an association by someone without prior acquaintance with the topic, but its most likely role is that of a reference and guide for those who have some experience in the field, but who wish to check on details. A comprehensive paragraph—referred index complements the vigour and lucidity of the text and ensures that this book will fill that role admirably. This book should be in every club manager's library and be available to all committeemen. It will probably assist many secretaries, accountants and solicitors to enhance the quality of their service to client associations.

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TIME IN THE PERFORMANCE OF CONTRACTS by K. E. Lindgren. Australia: Butterworths, 1976. Pp. i-xix, 1-159, Index 161-167. Paperback $9.00.

The genesis of this monograph lies in a paper, "Notices to Complete", given by the author at a seminar held by the Newcastle and Hunter Valley Law Societies in August, 1974. It was while preparing the paper for publication that the author decided that his researches and the materials available justified a longer treatment in the form of a book.

The main concern of the book is with time stipulations in contracts for the

sale of land. As the author points out, apart from the frequency and practical importance of such contracts, most of the contract cases decided on timeliness have arisen out of land transactions. Therefore the book should be of interest to lawyers with a large conveyancing practice, indeed to any lawyer with a specialised interest in that area. Particular emphasis is placed upon the circumstances in which breach of a time stipulation by a vendor or purchaser will relieve the innocent party from his obligations to continue with the contract. Although a large proportion of the cases discussed are from New South Wales, some as yet unreported, there are also frequent references to cases from other Australian States and from England, New Zealand, and Canada.

A considerable amount of research and scholarship has gone into the preparation of the book which consequently contains a comprehensive and deep treatment of its subject matter. It is a treatment which should not disappoint those with an interest, practical or otherwise, in the area. The only mild criticism that this reviewer would make relates to the format of the first chapter dealing with general principles governing terms of contract and their performance. At present this chapter seems a little too theoretical and difficult to follow. It is submitted that it could be improved by more examples of factual situations to illustrate and elucidate the principles discussed.

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