

in Malaysia) draw heavily from other writings, it is nevertheless very obvious that the author has put in a tremendous amount of effort and research of his own. The book demonstrates an impressive and remarkable grasp of detail and of the subject matter, and the author deserves high commendation for fulfilling a long-standing need in our legal community for a "single text" on the applicable law in Singapore and Malaysia – an accomplishment that is no mean feat in view of the complexity of the area involved.

This book then is the most comprehensive and largest single work in its field, and a most welcome addition to the store of local legal literature. It will be a useful tool not just to law students and practitioners who need to ascertain the laws applicable in Singapore and Malaysia, but also to those with an interest in understanding local legal history and development.

HELENA CHAN HUI MENG

MALLAL'S DIGEST OF MALAYSIAN AND SINGAPORE CASE LAW 1808-1988. (Fourth Edition). Volume 1. By MALAYAN LAW JOURNAL AND VARIOUS SPECIALIST EDITORS. [Singapore: Malayan Law Journal. 1990. lvii + 489 pp. Hardcover: S\$400.00 per volume].

MALLAL'S DIGEST was the brainchild of the great Dr. Bashir Ahmad Mallal, and his brother Nasir A. Mallal. Coming to Singapore sometime during the First World War, Dr. Mallal began working as a clerk of the firm of Battenberg and da Silva in 1918, eventually rising to the position of managing clerk. He had no law degree; indeed he never had a university education. Nonetheless, Dr. Mallal became so totally absorbed in the law that he published his first book *Mallal's Criminal Procedure Code* in 1931. The following year, he founded the Malayan Law Journal which is probably his most lasting and prominent legacy.

In the first edition of the *Digest* published in 1940, the editors wrote:

As there was a general demand from the profession for a digest of cases reported in the Malayan Law Journal the Editors undertook the task of preparing such a digest.

This was typical of Dr. Mallal's modesty and absolute devotion to the legal profession, to which he was never a real member, but was, at the same time, its "Godfather" and greatest benefactor.

When Dr. Bashir Ahmad Mallal died in 1972, he had only completed the third volume of the Third Edition of his *Digest* of Malaysian and Singapore Case Law. He was working on the fourth volume when he suffered his fifth and final heart attack. Six years later, Professor Ahmad Ibrahim and the then editor Encik Al-Mansor Adabi completed that ill-

fated fourth volume which stopped at the subject of "Prize Law". There was never a fifth volume.

Since 1978, the body of case law in both Malaysia and Singapore has grown rapidly and a need for an updated *Mallal's Digest* has never been more pressing. Beginning in 1988, Butterworths/MLJ decided to abandon the Third Edition and issue an all-new Fourth Edition of this famous work. To be released between 1990 and the end of 1992, this edition is anticipated to run into 12 volumes which is surely an indication of how quickly case law has developed in the last half century, especially if you consider that Dr. Mallal's original *Digest* was succinctly contained in a single volume totalling less than 300 pages. Volume 1 runs from Administrative Law to the Civil Law Act and if this volume is anything to go by, the legal profession is in for a real treat.

My review of this volume necessarily deals with its merits as a reference tool. Anyone wishing to do justice to a critique of its contents must, I think, possess an encyclopedic knowledge of local case law, and I certainly do not. The method of production of this edition has departed from that of previous editions in one major way: the publishers have now engaged a panel of "Specialist Editors" to prepare, edit and organise each of the various topics. In the past, the *Digest* was very much a "one-man show", with Dr. Mallal patiently labouring over every aspect of its production, although he had the assistance of his dear friend, Professor Ahmad Ibrahim, and his successor, Al-Mansor Adabi in the preparation of the Third Edition. Professor Ahmad Ibrahim has been retained as one of the three Advisory Editors, together with Teo Keang Sood (of the University of Malaya) and Walter Woon (of the National University of Singapore).

Most of the specialist editors hail from the various law faculties in Malaysia and Singapore, with a sprinkling of contributions from other members of the Bar and Bench. This, I think, is a splendid idea. Not only does it speed up the issue of subsequent volumes and updates, it makes available the wide experience and knowledge of persons specialising in various branches of the law. Dr. Mallal was, by all accounts, possessed of an encyclopedic knowledge of the law. There is no such man in our midst today and in our day and age, it is unlikely that men like Dr. Mallal, or for that matter, Coke, Bracton, Blackstone, or Holmes will emerge again. This is the age of the specialist, and I think Butterworths/MLJ has rightly done what publishers of other digests in the Commonwealth have long done.

One problem with co-ordinating a whole team of specialist editors is that of coherence and consistency between volumes. As I understand it, volumes are processed when edited materials are received. This means that while some later material in a related subject (say in Volume 9) may have a bearing on one of the topics covered in Volume 1, no reference will be made to it. I cannot really comment on this aspect since I have only seen Volumes 1 and 2 (which entirely consists of

“Civil Procedure” cases). I am, nevertheless, envisaging likely problems in future volumes. This, however, is a purely speculative point, and is not borne out in actuality. It can also easily be cured by the inclusion of a comprehensive index.

Notwithstanding this change, the basic structure of Dr. Mallal’s original work remains intact. Subjects are, as in the past, arranged alphabetically with copious cross-references to other related topics and cases. In the First Edition, Dr. Mallal felt that this particular arrangement obviated a need for an index. While this may have been the case back in 1940, this is certainly not the case now. To be a valuable research tool, I think that it would be crucial for there to be such an index at the end of the 12th volume.

One notable omission in this present Edition is the references to articles and treatises which were included at the start of every topic chapter in the previous edition, although the introductions are retained. This is unfortunate since these annotations have been a valuable source of further readings which the interested lawyer may wish to look up.

I scanned the topics I felt qualified to comment on (*viz.* “Administrative Law”, “Banishment”, “Citizenship” and the “Civil Law Act”). I found the quality a little uneven, both as between the editors and in the work of the individual editor in his own topic. I can only surmise that since many of the digests were culled straight from the headnotes of the respective reported cases, the editors felt it appropriate to leave them as headnoted unless there was a fatal flaw in the headnote itself. It is no secret that after Dr. Mallal’s death in 1972, MLJ went through a rather difficult period, and between 1972 and 1988, the standard of headnoting was, at best, erratic. This, coupled with the fact that the publishers were rather anxious to get Volume 1 out, probably accounts for this inconsistency of standard. This, however, is a minor point. Accuracy of the digests can be taken for granted and the overall minimum standard is still very high.

The publishers intend to issue updates in the form of consolidated volumes, similar to those of the *English and Empire Digest*. In the meantime the lawyer can use the *Butterworths’ Current Law Annual* as it carries annual updates in basically the same format.

In terms of production quality, this is a handsome volume indeed, and a complete set would stand proudly alongside the likes of the *English and Empire Digest* or *Halsbury’s Laws of England*. Bound in blue buckram and beautifully stamped in gold and maroon, the publishers have spared no expense in producing a set which has lasting beauty and utility. Paper quality and binding are excellent and layout is easy on the eyes.

Volume 1 is the start of the latest reincarnation of Dr. Mallal’s grand work. It is a fitting continuation of his lifelong desire to serve the legal profession and the cause of justice. The fact that the specialist editors get only a token honorarium for their work is in keeping with the spirit

of service and devotion to the legal system which Dr. Mallal so aptly epitomised. I am sure that he would have been proud.

KEVIN TAN YEW LEE

BANK SECURITY DOCUMENTS. By JAMES R. LINGARD. (2nd Edition).
[London: Butterworths. 1988. xxxiii + 402 pp. (including index).
Hardcover: S\$207.50]

LINGARD'S instant classic is now into its second reincarnation less than three years after the appearance of the first edition in 1985. The reason is not difficult to divine: practitioners recognize a good book when they see one. In both editions, Lingard displays a confidence born of his own experience in the practice of law. For an academic, the book may make for humbling reading. Lingard takes as his subject an area of the law in which practice and developments in the market are far and away ahead of the law, which is left to catch up as best as it can (sometimes not very well, as witness the embarrassingly short interval between the passage of the English Insolvency Acts of 1985 and 1986). In consequence, there is a dearth of comforting judicial precedent in many areas, in particular, the effect of insolvency on floating charges and other 'soft' securities. Lingard's approach to all this in each case is to summarise or reconcile as best as he can the current state of the law, and then offer practical suggestions. Practitioners will especially welcome his thoughtful habit of highlighting practical pitfalls not immediately evident to the casual student of the law. In particular, his summaries of the law in relation to the covenant to pay (Chapter 7), floating charges (Chapter 8), guarantees, third-party charges (Chapter 13), shares (Chapter 15) and goods (Chapter 17) would make profitable reading for any person involved in financial services. The reader without a background of formal training in the law may come away distressed at the apparent frailty of most of the traditional bankers' securities for advances, but at least the scales would have fallen from his or her eyes. The point (often conveniently forgotten by lenders) is made that the worth of the security must depend on the lender meeting in the first place the basic legal requirements for the kind of security chosen, and that no amount of legal paperwork can cover over a defect occasioned by the neglect of such requirements. In summarising the advantages and disadvantages of every one of the commoner kinds of security arrangements, Lingard also makes the point that no one security can be regarded as being foolproof or perfect for all situations, and that there must always be a variable element of commercial risk in all security arrangements which element the lender alone (albeit assisted by his solicitor) can judge.

The major difference between the first and second edition of the book is the taking into account of the various reform statutes passed between