

duced unless the courts had, at the same time, the discretion to make ancillary discovery orders. In this regard, however, it should be noted that a particularly thorny problem exists in the nature of extra-territorial discovery orders.

Like the previous edition, there are chapters dealing with security for advances. This is an area of law which is of great importance in the law of banking. It is also an area which has seen a significant growth in legal scholarship in recent years. It is not surprising, therefore, that much of the material in this part of the book is new. Letters of comfort, for instance, were only mentioned cursorily in the 9th edition but are discussed in much greater detail in this current edition, no doubt prompted by the fairly recent case of *Kleinwort Benson Ltd. v. Malaysian Mining Corpn. Bhd.* [1989] 1 All E.R. 785. There is a chapter on lien and set-off which greatly expands on the treatment given to these topics by the previous edition. There is also a new chapter on charges over debts and conditional debt obligations which focuses essentially on the potential problems posed to both these security arrangements by two cases, *Re Charge Card Services Ltd.* [1986] 3 All E.R. 289 and *British Eagle International Airlines Ltd. v. Cie Nationale Air France* [1975] 2 All E.R. 390. Both these topics are treated very briefly but the discussion of conditional debt obligations (also known as "flawed assets") is quite helpful.

It must be pointed out, however, that *Paget's* is essentially a text on domestic banking and anyone hoping to find a **comprehensive** treatment of issues relating to international banking or to certain forms of financing that banks are increasingly being involved in, such as loan syndications, will be disappointed. Unlike the previous edition, there is no section devoted to international banking and with banking practice constantly evolving and becoming more international, that does diminish somewhat the usefulness of the book. On the whole, however, it is quite clear that the text has been substantially and usefully revised in many areas and Mr. Hapgood is to be commended for this. Although *Paget's* has for a long time been regarded as one of the leading reference works in this area, it was in danger of becoming outdated in its treatment of banking law. This latest edition, however, should ensure that it continues to remain relevant to students and practitioners alike.

TAN CHENG HAN

SALE OF GOODS CARRIED BY SEA. By CHARLES DEBATTISTA. [London: Butterworths. 1990. xxvi + 378 pp. (including index). Hardcover: S\$352.70].

THIS book deals with the role of the bill of lading in the context of international trade. The bill of lading occupies a central position in the

law of carriage of goods by sea: it is evidence of the contract of carriage as well as being the receipt of the general condition of the goods received. It also acts as a document of title. All this has been well documented by the many books on carriage of goods by sea. What separates this book from the rest is that firstly, it takes a much closer look at bills of lading, and secondly, it looks at bills of lading from a different perspective - in the context of a contract of sale of goods and of the contract setting up a letter of credit. Thus a further dimension is added to the discussion - that of the tender of bills to bankers.

The book is well organised. It is divided into three main parts. The first part concentrates on the bill of lading. Much emphasis is laid on the role of the bill of lading as a document of commercial importance. It deals with the role of the bill of lading as a document of title. There is also examination of how the bill of lading gives the buyer the right to sue the carrier, as well as what the buyer may sue for. The role of the bill of lading in passing property and risk is also dealt with.

Part II of the book looks in detail at the documentary duties of the seller with regard to a contract for sale of goods carried by sea. The chapters cover the requirements in a bill of lading *vis-a-vis* the buyer with respect to the contract of sale. The documentary duties of the seller to the banker under the contract for the issue of the letter of credit are also covered. This part of the book deals with the qualities of a bill of lading as a receipt and as a contract of carriage. It examines the duties of the seller in this context.

Part III of the book looks at the remedies that the buyer has against the seller for his failure to perform his duty to deliver the goods in good condition and other physical duties, as well as the remedies that he might avail himself of in the event the seller fails to perform his duties with regard to the bill of lading or other document. It also looks at the practical constraints that the buyer may face in rejecting the goods or the documents.

This book is commendable in the sense that it attempts to place the study of the bill of lading in the commercial context in which it is usually used. Too many textbooks on carriage of goods by sea deal mainly or exclusively with the rules relating to the bill of lading without attempting to show the practical importance of all these rules.

It also focuses on the role of the bill of lading in financing contracts of sale by way of a letter of credit. It explains how the intrusion of the letter of credit affects the documentary duties of the seller in his provision of a bill of lading.

Another interesting feature of the book is that it deals at length with other documents used in carriage of goods by sea. There is a chapter devoted solely to seawaybills and combined transport **documents**, which are becoming increasingly important in international trade. This is another area that is not well documented in books on carriage of goods by sea. The author lays out how the textbooks or the courts treat the particular

document and then examines how the industry treats it. This provides valuable insights in an area where the law has, as it often does in the commercial world, lagged behind.

The book, however, shows some idiosyncrasies. The most fundamental is its title which may prove to be misleading to the first-time reader. It does not suggest that it deals with only one particular aspect of the sale of goods carried by sea - the bill of lading.

Further, in dealing with the transfer of property in the goods and the risk therein, it does not deal with the INCOTERMS that are commonly used in international trade that will affect the time when the transfer of both property and risk in the goods takes place. The coverage of the fundamentals relating to the letter of credit is also rather simplistic. It is perhaps unfortunate that it does not document in more detail the law relating to letters of credit. More emphasis should have been placed on explaining the rules governing the tender of documents before going into how the documentary duties of the seller translate into practice.

It may be that the author assumes that the reader has knowledge of these basic concepts used in the international sale of goods. That may be very true in most cases, but it does detract from the usefulness of the book to persons new to this area and who wish to use it for a comprehensive coverage of the law.

At the end of the day, however, the work is a commendable one. The book does provide a valuable insight into the legal aspects of a contract for sale of goods carried by sea, as well as providing the practical perspective. In the sense that its focus is on the role of the bill of lading in a contract of sale as well as a document used to raise credit by way of a letter of credit, it takes a refreshingly different look at the bill of lading and the central role it plays in international trade. In the ultimate analysis, it will prove to be useful to both practitioner and student alike.

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PHIPSON ON EVIDENCE. By M. N. HOWARD, PETER CRANE AND DANIEL A. HOCHBERG. (Eds.) (14th Edition) [London: Sweet & Maxwell. 1990. ccxxv + 1239 pp. Hardcover: S\$560.20]

THE editors of this fourteenth edition of *Phipson On Evidence* ("*Phipson*") have made two major structural changes. There is first, a reshuffling of certain chapters. As a result the topics on relevancy, admissibility and weight are discussed together in Chapter 7. Perhaps in an attempt to emulate *McCormick on Evidence* with the view to a more logical organisation of text, topics on the preparation and conduct of trials have been placed in the earlier chapters. This change has made the book a little tidier. It does appear, however, that there is still room for im-