

ANNUAL SURVEY OF COMMONWEALTH LAW, 1966 (Volume II). Edited by Professor H. W. R. Wade with the assistance of Barbara Lillywhite and Harold L. Gryer. 1967. [London: Butterworths. lxxxvii + 873 + index. £8. 8s.nett].

The Annual Survey of Commonwealth Law 1965 (Volume I) was extremely well-received. The Law Quarterly Review described it as “a legal treasure-house rich in information, rich in comment and rich in promise.”

The present volume covers the period from July 1965 to June 1966 and notes the developments of the law in the United Kingdom and the Commonwealth during this period.

The areas of law which this volume surveys have seen much development, particularly in the field of constitutional law. The period witnessed the U.D.I. in Rhodesia which was to spark off a number of constitutional problems; it was also a year of successful coups d'état in Nigeria and Ghana; Singapore separated from Malaysia, and India and Pakistan renewed their hostilities over the border dispute. No less interesting is the Privy Council decision in *Liyanage v. R.* [1966] 2 W.L.R. 682, which as Professor S.A. de Smith commented, "illustrates how, given an appropriate political climate, sophisticated and imaginative judicial review can modify the text of a constitution which embodies few express guarantees or prohibitions." (p. 59).

Mr. G.H. Treitel discusses the important cases in the area of contract. One of the significant decisions is *D. and C. Builders, Ltd. v. Rees* [1966] 2 Q.B. 617 which overruled *Goddard v. O'Brien* (1882), 9 Q.B.D. 37, an authority for the "negotiable instrument" exception to the rule in *Pinnel's* case (1602) 5 Co. Rep. 117a. In *D. and C. Builders*, Lord Denning M.R. asserted that the High Trees principle could operate "not only, so as to suspend strict legal rights but also, so as to preclude the enforcement of them." The House of Lords' decision in the *Suisse Atlantique* case [1966] 2 W.L.R. 944, on the substantive doctrine of fundamental term, is perhaps the most important case of the year. Mr. Treitel notes that no conclusive answer can be deduced from the speeches and much will be left for future development. Restraint of trade has also seen significant developments in *Esso's* case [1966] 2 Q.B. 514 (which subsequently went to the House of Lords) and *Nagle v. Feilden* [1966] 2 Q.B. 633. Two printing errors are noted in the discussion of *Nagle's* case. At page 288, line 2 "although" appears as "althrough" and on the same page, line 6, "a women" instead of "a woman".

The comments and observations on the other areas are equally stimulating and each contributor displays his expertise in his respective field. The contributors, except for six changes, remain the same as in Volume I.

There is a slight re-arrangement of subject matter which makes for more logicity. In Volume I, the last six chapters are arranged in the following order: Conflict of Laws, Labour Law, Civil Procedure including Costs and Evidence, International Law, Maritime Law and Family Law. In this Volume, they appear in the following order: Family Law, Labour Law, Civil Procedure including Costs and Evidence, Conflict of Laws, International Law and Maritime Law.

One of the criticisms that was levelled on Volume I, was its object of giving prominence to the law of the Commonwealth countries other than the United Kingdom. Thus, comments in regard to United Kingdom materials were kept down to minimum and only for the purpose of "completeness". There is no justification for adopting this policy and equal emphasis should be paid to United Kingdom materials since most Commonwealth countries do derive their inspiration if not their sources of law from the United Kingdom. Happily, in this volume, more extensive comments are now made on the legal developments in the United Kingdom.

The book does not aim to give more than a general survey. It is therefore appreciated that it would not be possible to discuss every case. However, it would be useful to make a list of the cases that have not appeared in the text, at the end of each section or chapter as Mr. M.P. Furmston has done in the chapter on Commercial Law. Again, a list of articles that have appeared during the year on each topic, would prove useful. Some contributors have done this.

In this Volume, the laws of the various Commonwealth countries which are as diverse as they are common, are brought together to make comparison possible. The law reformer and the comparative lawyer might do well to seize upon the book.