

rather than exhaustive. It is a mine of information; the entries are annotated, up-to-date and include unexpected items on a wide range of subjects other than development.

*National Archives, Zimbabwe*

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**Customary Law in Practice** By J.T. Storry. Cape Town, Juta, 1979, 144pp., Z\$12.00.

This newest addition to the growing literature on African law projects yet another interesting development on the subject. Written with an entirely practical bias, the handbook can be of immense assistance to the practitioner in so far as he can pinpoint quickly the areas in which he should conduct his research.

African law is a subject which is largely misunderstood or misconstrued by a great number of people, law practitioners included. To some extent this is due to the treatment of the subject as 'customary law', a designation which in modern times is misleading and which belies its complexity. Because of the dual system of law which exists in this country one is in reality faced with a conflict of laws; and simply regurgitating statutory provisions and case law, as the author does in his opening chapter, will not provide much guidance in determining whether African law is or is not applicable to a particular set of given facts. Only the more learned, it is submitted, can make full use of this handbook, as it can be dangerous to individuals whose background knowledge is less polished.

The myriad of case law authorities quoted by the author largely fails to show the extent to which legislation and the changing social climate have influenced the quality of decisions handed down by the courts. Indeed, some of the cases are either inconsistent or contradictory, and this leads to a somewhat confused impression of what the law actually is. The author makes no effort at all to comment on the cases which he quotes—some of which were in fact incorrectly decided—and he merely throws them at the reader for him to sift out for himself. To the uninitiated the handbook raises more questions than answers, and one is left wondering to what extent the Court of Appeal for African Civil Cases is bound by its own decisions, if at all.

The handbook also contains certain patent errors dotted throughout. For instance, when dealing with adultery, the author states that the common law will govern such actions if a marriage is by Christian rites. The African Law and Tribal Courts Act, Chapter 237, specifically provides for the application of African law, and this was emphatically reaffirmed by the Appellate Division of the High Court in 1975. Further, prescription does not apply to cases where the rights sought to be enforced or obligations sought to be defended arise solely out of custom. The author quotes two cases delivered before the passing of the Prescription Act (No. 31 of 1975) in support of the contention that prescription does apply. Last, but not least, the author quotes a case which supposedly lays down that African law governs an individual's right to sue for damages for assault; whilst, at least in theory, this may be the correct position, the case quoted by the author expressly lays down that common law is applicable, and that is what the law presently is. Some of the apparent errors are, however, no doubt due to the brevity with which the subject matter is dealt.

Despite such errors, however, the handbook constitutes an important step in the professional treatment of the subject, and its publication is a welcome development.

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