These four papers exhibit the industry and the erudition, and the lucid and urbane style that we expect of Professor Cowen. It is good to have them collected in the one volume, even if it does lack an index and a table of cases.

JOHN V. BARRY*

The Law of Trusts in Victoria, by GRAHAM FRICKE, LL.B. (Melb.), LL.M. (Penns.), Barrister-at-Law, and OTTO K. STRAUSS, LL.B. (Melb.), Dr. Jur. (Bonn.), Barrister-at-Law. (Butterworth & Company (Australia) Ltd., Sydney, 1964), pp. 1-575. Price $12.00.

In the preface to this new treatise on the law of trusts the learned authors state '. . . . we are indebted to Garrow's New Zealand text which, with the publishers' permission, has provided a convenient framework for our book, and Mr. Justice Jacobs, of the Supreme Court of New South Wales'. Their work, indeed, could almost be described as a Victorian edition of Jacobs *The Law of Trusts in New South Wales*. However, such a description would not be completely accurate and would do less than justice to Messrs Fricke and Strauss. For, although arranged and constructed in much the same way, with similar chapter headings and with some identical passages, there is in the work under review much new material and a certain amount of re-writing.

The merits of the book are obvious. It is for the most part comprehensive and lucidly written and because of its detailed analysis of Victorian statutory provisions it seems likely to achieve wide circulation amongst practitioners in this state. Nevertheless, in the reviewer's opinion, it has not the merits of its New South Wales counterpart and it is not in the same class as Garrow and Henderson's *Law of Trusts and Trustees* which was the progenitor of the series.

In fact, quite apart from its ancestry and the slight possibility of misleading the prospective purchaser, the book cannot be welcomed without reservations. Much of the re-writing seems pointless and in the new passages there are too many ambiguities, obscurities and careless statements. There are, moreover, signs of insufficient scrutiny and, perhaps, some unwise haste in the final stages of its preparation.

Instances appear in most chapters. They begin with the loosely-worded definition of the trust relationship in chapter two. In chapter three a general power seems to be distinguished from a special power on the ground that only the former, if exercised, 'generates ownership'. In chapter five there is the puzzling statement: 'In the sense that a trust must be irrevocable an infant is generally unable to create a trust'. Perplexity is increased by a footnote reference to chapter three which contains, *inter alia*, a dictum of Fullagar J. to the effect that a revocable trust is always enforceable in equity while it subsists. In chapter six the section devoted to certainty of objects makes no mention of charitable and anomalous non-charitable purpose trusts and ignores completely the problems discussed in such cases as *I.R.C. v. Broadway Cottages*,[1] *Tatham v. Huxtable*[2] *and Re Hain's Settlement*.[3] Chapter seven left the reviewer completely baffled. On page 138 it is said: 'Where it is the intention of

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1 (1955) Ch. 20.

2 (1950) 81 C.L.R. 639.

3 (1961) 1 W.L.R. 440.

the settlor to make a stranger a trustee, and the subject of the trust is a legal interest capable of legal transfer, the trust is not perfectly created unless the interest is legally vested in the trustee.' And yet a few lines later it is said: 'A transfer of shares in a company may be effected by a properly executed transfer in the form required by the company's articles. If the settlor has taken these steps the trust will be completely constituted even before the trustee has become registered in the books of the company.' Moreover, on pages 140-141 the learned authors proceed to consider imperfect voluntary assignments and ask whether the donor needs to do everything in his power to complete a gift or whether he need merely take all the steps which he alone can take. In the discussion of half-secret trusts in chapter eight the confusion between that doctrine and that of incorporation by reference is perpetuated by reference to *Re Jones.*[4] Moreover, the authors' discussion of the principle on which courts of equity enforce secret and half-secret trusts hardly indicates the reasons for the enforcement of the latter. The rule in *Saunders v. Vautier*[5] seems to change its content from one part of the book to another (see e.g. pages 170-1, 202-3, 449) and the section dealing with *cy-près* in chapter ten is so brief as to be not only inadequate but quite misleading.

A number of similar points could be made but it is thought that the foregoing will be sufficient to indicate the nature of the reservations felt by the reviewer.

There remains, of course, the general question of the desirability of the production of this sort of derivative work. From all points of view, there is surely considerable doubt as to whether completely new texts or even avowed New South Wales and Victorian editions of the New Zealand treatise might not have been more satisfactory.

M. C. CULLITY*

International Criminal Law, ed. by GERHARD O. W. MUELLER and EDWARD M. WISE. (Sweet and Maxwell Ltd, 1965), pp. i-xvi, 1-632, Index 633-660. Price $16.80.

Although this book has its uses, it is disappointing. The title leads one to think that we have at last in English a scholarly exploration of the subject, if there be one, of international criminal law. In point of fact, what is offered here is not at all a consistently developed thesis by a single author or a group of authors working in conjunction but a selection of articles and notes, nearly all of which have been published before, sometimes a long time before, collected together, arranged in some kind of order and rounded out with extracts from various treaties, conventions, statutes and the like. In effect this is a collection of readings connected by the idea of international criminal law. The readings are in themselves interesting, and on any particular topic may well be useful, but they do not add up to a comprehensive, thorough, or consistent treatment of the subject. This is perhaps inevitable if one starts with the premise, as in the present case one apparently has to, that a book is to be made as far as possible out of materials already available, supplemented where absolutely necessary by additional comment. It is hard to dismiss such an enterprise in general terms by saying that it is never worthwhile. On the other hand one cannot avoid the reflection that the work which undoubt-

[4] (1942) Ch. 328. [5] (1841) 4 Beav. 115.

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