

the appalling standing regulations at Port Arthur; and the third a reprint of the even more horrifying standing regulations for the Victorian hulks.

The author's simply expressed conclusion (page 147) that 'On the whole of the record, John Price was a cruel man', is on the evidence of this book inescapable. Throughout the book the evidence of Price's character, deed and misdeeds is marshalled and evaluated with scrupulous care and professional skill. Wherever the background and surrounding circumstances are relevant they are described in detail. Everything, as the judicial expression goes, that could be said for Price is said; and it is said with a cool impartiality that is all the more telling for its restraint. *The Life and Death of John Price* is a very good book. I hope that many people will read it.

COLIN HOWARD*

* LL.M. (London), Ph.D. (Adelaide); Hearn Professor of Law in the University of Melbourne.

The Constructive Trust, by D. W. M. WATERS, B.C.L., M.A. (Oxon.) Ph.D. (London) of Lincoln's Inn, Barrister-at-Law, Lecturer in Law University College, London. (The Athlone Press, 1964.) pp. i-xxiii, 1-346, Index 347-353. Price £4 5s. 6d.

English writers on trusts have treated the constructive trust as a type of substantive institution and have seen no incongruity in including it in a volume which also expounds the law of express trusts. The constructive trust suffers by comparison with the express trust. The express trust has developed from a remedial device to an intellectually satisfying system of principles under which widely varying dispositions of property may be made. The usual treatment of constructive trusts discloses a mere catalogue of relationships in which courts have imposed a duty on one person to disgorge property to another. In the United States of America the constructive trust is regarded as a remedial device to be used in cases of unjust enrichment. The compilers of the Restatement deal with it in the Restatement of Restitution rather than the Restatement of Trusts.

Dr Water's book is a commendable effort to test the value of the trust analogy in a number of relationships other than that created where one person conveys property to another with the intent that it be held on trust for a third person. He takes the relationship of vendor and purchaser, mortgagee and mortgagor and agent and principal. After a valuable exposition of the English authorities in these three areas he concludes that the duties arising in each of these relationships which courts have imposed on the basis of a constructive trust could equally well be imposed without the need for any analogy with the law of trusts. His work is useful in clearing the ground to disclose the basic questions of restitution.

H. A. J. FORD*

* LL.M. (Melb.), S.J.D. (Harvard); Barrister-at-Law; Professor of Commercial Law in the University of Melbourne.

Law in the Making, by SIR CARLETON K. ALLEN, M.C., Q.C., D.C.L. Hon. LL.D. (Glasgow), F.B.A., J.P. (Oxford, at the Clarendon Press 1964), pp. 1-649. Price £4 14s. 6d.

This reviewer has long entertained warm affection for *Law in the Making*. After nearly forty years it remains the most generally interesting book written on the working and the history of the English legal system.