

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.

*B.C.L. (Oxon), LL.B. (W.A.), of the Middle Temple, Barrister-at-Law.

edly has gone into the completion of the volume under review might better have been put into the preparation of a thorough and unified treatment from a single coherent point of view of the question whether there either is or ought to be an international criminal law.

It appears from page vii that this book is the second in a series published under the auspices of the Comparative Criminal Law Project of the School of Law of New York University. The first volume in the series is *Essays in Criminal Science*, familiar to students of criminal law for some years now. The third is an account by Professor Andenaes of the general part of the criminal law of his own country, Norway. One cannot help suspecting on reading this list of titles and, so far as the present reviewer is concerned, on the basis of a personal knowledge of the first two books in the series, that the only common denominator is the treatment in greater or less degree of some subject in criminal law which does not fall exclusively within American jurisdiction. To put the point more bluntly, this series looks very much like a publisher's gimmick. Of course, if a group of scholarly books is published, whether in a series or not, it is likely that at least one or two of them will be good. The present reviewer would expect, although he has not yet seen it, that Professor Andenaes's book will be excellent. But a mediocre book is not made any better by being placed alongside a good one. The two companion volumes to Andenaes certainly are not excellent. They are uneven in quality, without a coherent subject-matter, and by no means uniformly up to date.

Since publishers show an unflinching tendency to launch books in series whenever possible, it must be supposed that people who buy books pay rather more attention to what they will look like on the shelf than to what is actually printed between the covers. Since publishers are in business to make money one can hardly blame them for pursuing a course of action which makes money, even though it comparatively rarely produces good books. Nevertheless from a scholarly point of view it is a pity that the attraction of a nicely bound series should be so great. It would be far better if scholars, publishers and everyone else would stop bothering about the outward appearance of any three books in a row and would concentrate wholly on the question whether the contents are of comparable quality and utility.

It is interesting that the Comparative Criminal Law Project of the School of Law of New York University is at the same time sponsoring a different series which on the face of it appears to be far more useful and consistent than the one to which the present volume belongs. This is the series of translations of foreign codes of crime and criminal procedure. On the assumption that each of the translations is of the highest standard of reliability and accuracy, an assumption which the present reviewer has no reason to doubt, a series of books of this kind is much to be commended and warmly to be welcomed. Similar considerations apply to the volumes on foreign tax law prepared at Harvard Law School. Such volumes as these however form a series because they are all closely and consecutively related to a single subject-matter and a single, clearly-defined and coherent project. They are very different from the more common and regrettable type of series in which a scattered multiplicity of writings, uneven in quality and discontinuous in chronology, is brought together between hard covers and called a book or a series of books for little better reason than that the binding and the printing are the same or similar.

Belonging as it does to this latter species, the present volume starts at a disadvantage. Nevertheless once it is cut down to size and regarded merely as a collection of available writings and documents on a variety of problems which for want of a better name can be called problems of international criminal law, it is possible to say that it is an interesting book and by way of conveniences of access may also be useful. The principal subjects touched upon are jurisdiction, piracy, war crimes, extradition, enforcement of foreign judgments, and the inherent character of the concept of an international criminal law as distinguished from the international regulation of municipal criminal laws. None of these topics is explored with any thoroughness.

COLIN HOWARD*

Probate Law and Practice in Victoria, by R. G. DeB. GRIFFITH, LL.M. (Melb.), Barrister-at-Law. (The Law Book Company, 1965), pp. i-xxix, 1-439, Index 441-450. Price \$16.50.

This practitioner's reference book provides annotated texts of the Administration and Probate Act 1958, the Probate and Administration Rules 1957, and the Probate Duty Act 1962. It also reproduces the Probate Duty Regulations and over one hundred precedents of probate documents. The annotation of legislation section by section, though affording little scope for the display of literary graces, can provide a useful aid to the seeker after law.

Basically this new book is a valuable publication for its annotations have collected a vast amount of case-law. The determined seeker will be led to the relevant authorities. He needs to be determined because the book is not well served by its general index. It is to be hoped that in subsequent editions this deficiency will be repaired. For example, the heading "Money's worth" fails to collect material at p. 269 and p. 288.

An enquirer wishing to learn about the appointment of a syndic could be helped by precedents 97 and 98, but there is no reference to that office in the general index. Indeed the precedents are not indexed and the enquirer must be content to scan the table of contents. The general index exhibits other vagaries. Notional estate becomes national estate at one point. There is a reference to a trust of sale and the cross reference from Forms to Precedents lacks point.

The indexer's disregard of the precedents also leaves in limbo the requisitions commonly made by the Registrar in relation to irregularities in wills which are reproduced at pp. 370-371. Incidentally, although one of these requisitions refers to an affidavit of good conscience, the book does not appear to provide a precedent of such an affidavit. Moreover, in the interests of relating theory to practice, the requisitions could have found a more suitable place elsewhere in the book so that the doctrinal basis for them would be apparent and a suitable cross reference could have been made in the appropriate part of the collection of precedents.

These criticisms go to matters which can easily be remedied when a second edition is prepared.

H. A. J. FORD*

*LL.M. (Lond. and Adel.), Ph.D. (Adelaide); Hearn Professor of Law in University of Melbourne.

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