

of some 83 pages of preliminary tables in the arabic page numbers and by a gap between pages 83 and 103.

H. A. J. FORD\*

*Cases on Trusts* (2 ed.), by H. A. J. Ford (ed.). Sydney, The Law Book Company Ltd., 1966, ix and 807 pp. with Index (\$13.50).

Professor Ford is the most distinguished living Australian academic writer on equitable problems. Indeed, he is probably the only Australian teacher of law whose authority in that field would command unqualified acceptance in all common law countries. It is therefore the highest praise to be able to say that the second edition of his *Cases on Trusts* is fully worthy of him. It is a wholly admirable book. It is, in this reviewer's opinion, by far the best casebook available on trusts. It is learned without being pedantic, informative but not indigestible, concise but never elliptical, accurate, logically arranged, thought-provoking and (within its limits) comprehensive.

The cases which he has chosen to include are selected carefully and sensitively from a variety of sources, English, Australian, American and New Zealand, and he has selected them with unerring discrimination from amongst unauthorized, as well as authorized, reports. But the book includes not only reports of decided cases and extracts from relevant legislation, but also such welcome rarities as quotations from Roman Law writers (for example, Modestinus in *Digest* 33.2.16 on the civilian equivalent of the *cy-près* doctrine) and extracts from the older English legal writers (for example, the *Doctor and Student*, Bacon, Gilbert's *Uses and Trusts*, all on the question of the necessity for consideration in the creation of a trust). The book also contains a just proportion of the older cases, including cases from the fifteenth century onwards, a knowledge of which is often indispensable for a proper understanding of equitable doctrines (although one would never think so from a perusal of some current textbooks).

Not that the book is a parade of largely irrelevant antiquarian learning. Nothing, however exotic or interesting, is included which is other than of immediate and contemporary importance. Whilst no two teachers of equity would ever be in precise agreement on the contents of a casebook on trusts, there is no case included which one could reasonably wish omitted and no case (except perhaps *Inland Revenue Commissioners v. Baddeley*)<sup>1</sup> omitted whose inclusion one could reasonably regard as vital.

The second edition contains much material which was not, and could not have been, included in the first edition, including Windeyer, J.'s valuable summary of the law of equitable assignments in *Norman v. Commissioner of Taxation*;<sup>2</sup> *Re Cook*;<sup>3</sup> (an interesting, but confused and misleading case) on voluntary covenants; *Scott v. Scott*<sup>4</sup> on tracing; and *Leahy v. Attorney-General (N.S.W.)*<sup>5</sup> on the validity of gifts to unincorporated associations and the severance of charitable trusts which are too widely expressed.

Professor Ford has been criticized for not including references to relevant

\* LL.M. (Melb.), S.J.D. (Harvard), Dean of the Faculty of Law, University of Melbourne.

<sup>1</sup> (1955) A.C. 572.

<sup>2</sup> (1963) 109 C.L.R. 9 at 23ff.

<sup>3</sup> (1964) 3 All E.R. 898.

<sup>4</sup> (1963) 109 C.L.R. 649.

<sup>5</sup> (1959) 101 C.L.R. 611; (1959) A.C. 457.

academic comments on the cases included in his casebook.<sup>6</sup> However, this criticism seems to me manifestly unfair as a perusal of (merely by way of example) the footnotes on pages 156, 181, 261, 481, 506, 556 and 778 will reveal.

Are there, then, any criticisms which can be legitimately made of this valuable work? In this reviewer's opinion, only one of substance: Professor Ford is unduly reticent in commenting on the cases which he has selected. And whose comments on any case dealing with the law of trusts could be more instructive? One hopes that in future editions he will be a little less self-effacing.

R. P. MEAGHER\*

## BOOKS RECEIVED

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\* See Mr. Justice Megarry's reviews in (1960) 76 *L.Q.R.* 155 and (1967) 83 *L.Q.R.* 464.

\* B.A., LL.B. (Sydney), Barrister-at-Law; Challis Lecturer in Equity and Roman Law, University of Sydney.