

THE LAW OF TRUSTS. 8th Ed. By George W. Keeton. [London: Sir Isaac Pitman & Sons Ltd. 1963. Ixix + 461 pp. 60s.]

It may seem superfluous to review a book as well established and respected as this by Professor Keeton. One may simply say "here is the eighth edition" and leave it at that. However at least there can be extended a Malaysian welcome, its belated nature being due solely by the fault of the reviewer.

The last edition was issued in 1957 (although reprinted in 1959). This new edition therefore has as new material three important English statutes, the Variation of Trusts Act 1960, the Charities Act 1960 and the Trustee Investments Act 1961. For the present, Malaysian students and practitioners will be interested therein only by way of comparison and perhaps hope in that the knowledge imparted thereby may persuade the Malaysian legislatures to take a like course by complementary enactment. There is an entirely new chapter on Trusts and Taxation.

Without wishing to carp, there are one or two matters which could be clarified. Although the question of Trustees and the Statutes of Limitation forms a separate section (pp. 349-356) there is seemingly indiscriminate reference to "Statute" and "Statutes" of Limitation (see e.g. pp.345, 349, 352). The failure of refer to the statutes with clarity confuses an already difficult part of the law, a confusion not reduced when the Index refers the reader to pages where neither Statute or Statutes is mentioned.

Further it is surely misleading to maintain that the Court of Appeal approved the view of a puisne judge when Court and judge reach the same conclusion but on grounds not only separate but opposed. In discussing *Re Steeds Will Trusts* (pp. 313 - 314) the author states — erroneously it would appear — that the Court of Appeal approved Harman J.'s view that the Court had no power under the Variation of Trusts Act 1956 to overrule trustees or take their discretion from them. The Court disapproved this view (see 1960 Ch. 407) but on the facts reached the same conclusion as the first instance judge.

There seems to be no mention in the book of the concept of an 'equity' as distinct from an equitable interest, although there is a comparison of the trust and "certain other legal institutions" such as contract and bailment. Could not the essential hallmarks of the trust be emphasised by a general comparison?

The author naturally enough makes no attempt to discuss any law but English law, and therefore students of a system of registration of title must not wholly rely thereon for the answer to the operation of equity within that system.

The book remains as it always was, a basic detailed guide and explanation of the English law of Trusts.