

PAGET'S LAW OF BANKING. 8th Edn. By Maurice Megrah and F.R. Ryder. [London: Butterworths. 1972. lxii + 736 pp. Hardcover £9.80].

There is no doubt that the eighth edition of *Paget's Law of Banking*, published in July, 1972, will be welcome not only by members of the legal profession, but also by students of banking and commercial law as well.

It is nice to see that not only many important cases decided between 1966 and 1972 in the United Kingdom and elsewhere are incorporated in the book, but in several instances are dealt with and commented upon at length. As the authors have noted in their preface to this edition, many of these cases have not only challenged matters that have been virtually accepted without question, but have made inroads into earlier precedents.

To start with, there is the controversial ruling in *United Dominions Trust v. Kirkwood* [1966] 2 Q.B. 431, which deals with the fundamental concepts of "bank" and "banking business". It is interesting to note in that case that emphasis was made on the acceptance of deposits, and the question of whether the payment and collection of cheques was essential for banking business, was left undecided by Lord Denning, M.R. The above decision is however unique in that an institution which hardly qualified as bankers was held to be so by Lord Denning, M.R., simply because they have been accepted as bankers by intelligent men of commerce. The treatment of the above case by the authors of this edition, is indeed commendable.

The ever-recurring question of negligence of the collecting and paying banks is also brought up-to-date by extensive comments on such leading cases as *Marfani v. Midland Bank* (1968) 1 Lloyds Rep. 411; *Lumsden and Co. v. London Trustee Savings Bank* (1971) 1 Lloyds Rep. 114; *Barclays Bank v. Astley Industrial Ltd.* [1970] 2 Q.B. 527; *Barclays Bank v. Aschaffenburg Zellstoffwerke A.G.* (1967) 1 Lloyds Rep. 387.

At the same time, it appears that there are one or two shortcomings in the treatment of recent cases, especially where new ideas or principles are involved. One such example is the concept of "constructive trustee" of a bank, under which a customer can proceed in equity. Thus, although the cases of *Selangor United Rubber Estates v. Craddock* [1968] 2 All E.R. 1073, and *Karak Rubber Co. Ltd. v. Burden* [1971] 3 All E.R. 1118 are mentioned in several places in this edition, their contribution to the equitable concept of "constructive trustee" and the serious effects it may have on banking practice, are hardly dealt with. Another example is the treatment accorded to *Barclays Bank v. Okenarhe* [1966] 2 Lloyds Rep. 87, which merely receives a fleeting mention under "The deposit account", while no mention is made of it in the section on "Combination of accounts"—to which subject, it is also relevant.

Without in any way appearing to be chauvinistic, one must also express disappointment in that no important Singapore/Malaysian cases have yet been noted or commented upon in the book, though cases from Australia, Canada, Ceylon and other places have received recognition.

On the whole, however, the present authors of Paget are to be congratulated for an excellent effort in bringing the book up-to-date and in incorporating as many new cases as possible.