

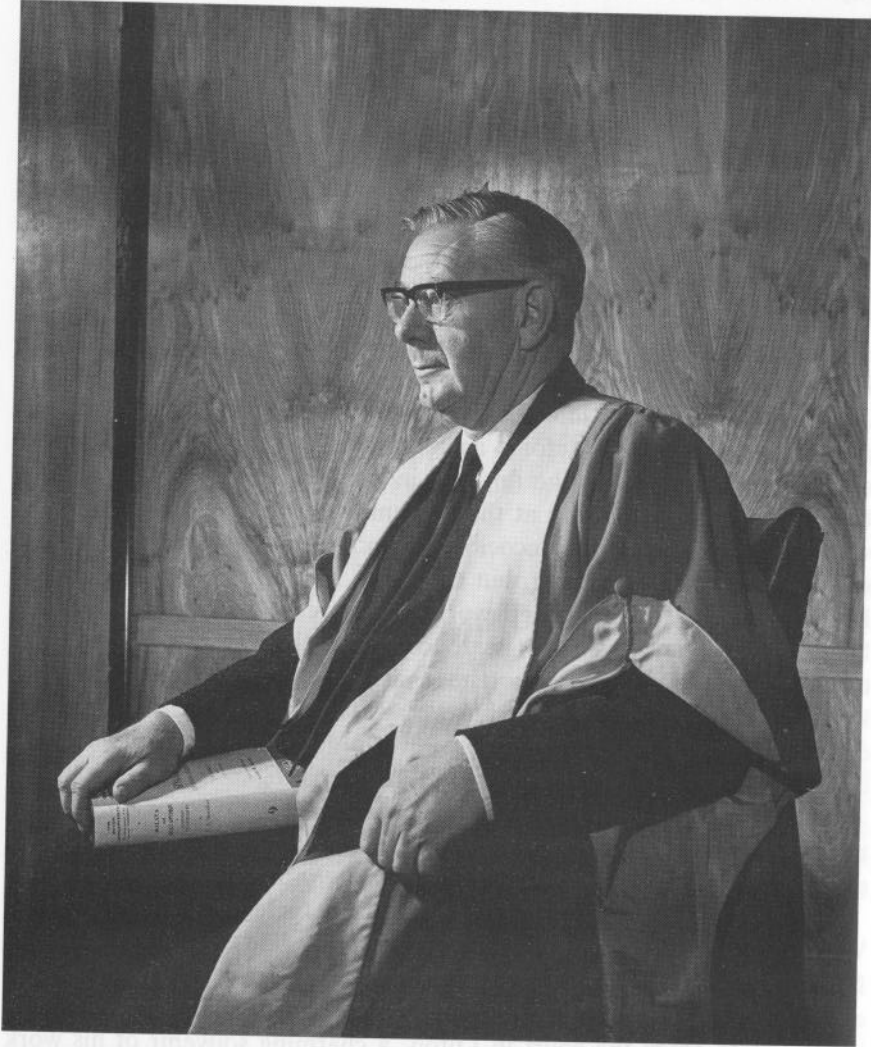
George Williams Keeton 1902–1989

PROFESSOR KEETON was an energetic man. A considerable proportion of anyone's effort must go into the ephemeral daily round, but the enduring evidence of Professor Keeton's achievements is of a quantity to excite an exclamation. How did he do it all in a mere eighty-seven years? (Or fifty if you lop off minority at the beginning and rest at the end, for he was neither Mozartian in precociousness nor Shavian in endurance.) He was not a mysterious person, but there is a mystery. How did Professor Keeton do his vast and varied work without ever appearing to be in a hurry? Lawyer and historian, textbook writer, biographer and novelist, teacher and administrator, sportsman and gardener, he was a relaxed, kindly, sociable man. He must have read, taken in, thought and written extraordinarily quickly, as he was forever enjoying himself with friends, colleagues, students and former students, discussing law, politics, current affairs or any topical subject; reading a newspaper or book; playing on the tennis court or at the bridge table; in front of the television set; and away on holiday. He enjoyed himself, as he did everything, with zest.

George Williams Keeton was born in Sheffield, United Kingdom rather than Wednesday, in 1902, son of a silversmith, and died at home in Princes Risborough in 1989. He left behind a library of law reports, journals and other books on many subjects, most of which have been given by his widow to grace the court in Luton, a charming souvenir of his work and friendship with Judge Keith Devlin dating from their time together at Brunel University. He also left behind as one of the permanent reminders of his industry almost a library on its own of his authorship.

After coming down from Gonville and Caius College, in the year 1924 George Keeton acquired a readership at Hong Kong University and his first wife, Gladys, with whom he had been going out since schooldays in

He was never less than a demanding teacher. A perfectionist himself he could be harshly critical of incompetence while at the same time deeply



G. W. KEETON

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Sheffield. There was no Law Faculty in Hong Kong until much later. The young reader, though, edited and wrote on an extensive variety of subjects for the *Hongkong University Law Journal*. He also wrote for *The South China Times* and was a member of the North China Branch of the Royal Asiatic Society.

His teaching responsibility in Hong Kong was international law and relations. That interest and its location appear in an early book, *The Development of Extraterritoriality in China*, and in papers written in Hong Kong for English periodicals. It survived George Keeton's return to England in 1927 and his conversion into one of the country's leading academic exponents of the law of trusts and other aspects of equitable jurisdiction. During the thirties and forties he wrote many articles on international law and relations, book reviews galore and several more books, including *China, the Far East and the Future* and, with Georg Schwarzenberger, a friend, colleague and collaborator over a long period, *Making International Law Work*.

When at University College, London, Professor Keeton fostered the development of a thriving group of international lawyers powered by Professor Schwarzenberger. Keeton was Principal of the London Institute of World Affairs from 1938 to 1952 and President from 1952 onwards. The purpose of that Institute, as given in the preface to the first *Year Book* in 1947, is to provide an independent international forum for the critical and constructive discussion of, and research into, problems of world affairs. Schwarzenberger was his co-editor of the *Year Book*, an addition to the quarterly, *World Affairs*, and occasional books (the *Library of World Affairs*) already published by the Institute.

In 1927, George Keeton left Hong Kong University, which later conferred an honorary doctorate of laws on him, and in the following year was called to the bar by Gray's Inn. Unlike many academic lawyers, who attain a professional qualification and never use it, Keeton did practical legal work as well, but he was primarily a scholar. Assistant tutor to the Law Society and supervisor in law at Clare College, Cambridge in 1927, when he was awarded the degrees of Master of Arts and Master of Laws, after call to the bar he spent 1928–31 as a senior lecturer in law at Manchester University. During that early period Keeton's academic development owed much to the guidance and help of his former Cambridge tutor, (later Lord) McNair. From Manchester came the translation to London. Although that university was not his last, Keeton was at University College for the longest and most influential period of his career. It began in 1931 with a readership. In 1932, he was awarded his substantive doctorate of laws (to which Sheffield and Brunel Universities, as well as Hong Kong, added honorary ones). *The Development of Extraterritoriality in China*, published

in two volumes in 1928, was the work which earned the doctorate, but another four years had to elapse after the candidate's graduation before Cambridge University was allowed by its own regulations to make the award. In 1937, Dr Keeton exchanged that title for professor, which is how practically everyone will remember him. He had charge of the fortunes of the University College Faculty of Laws in Gower Street, Aberystwyth, Cambridge, Foster Court and Endsleigh Gardens until reaching in 1969 the magical age of 67 at which UCL people turn into something else.

As a part-time practising barrister, attached to different chambers at different times, Professor Keeton did not appear in court as an advocate but wrote opinions and drafted documents. It is difficult, even in London, to combine court work with full-time law teaching and its appointed hours of lectures, tutorials and meetings. Over the years, he gave advice on many legal subjects, from overseas as well as originating in England.

His advice to association football authorities and clubs was but one component of his consultative work. It was a happy component because of his interest in the game itself. He reconstituted the rules of the Football Association, was adviser to the Football League and was co-founder of the Metropolitan and Hellenic Leagues. Although supporting Sheffield United in the various divisions to which it was allocated by fate, he was far from sharing the delusion that only professionals play. He was an organiser of clubs as well as leagues at the most local, amateur, level. In 1949, he drew up the memorandum and articles of association of Headington United Football Club Co. Ltd and was the first subscriber of the memorandum. The main team then played in the Spartan League, but he saw it through the Southern League and into the Football League as Oxford United. In 1951, his book *The Soccer Club Secretary*, a practical manual with a foreword by Sir Stanley Rous, was published. In 1972, came *The Football Revolution*.

Winter sports in England only last from mid-August to mid-May, and Professor Keeton's attention turned readily to cricket and tennis as the seasons dictated. The seasons of man also change, though they seldom recur, and require that watching shall supersede participation and that television shall supersede presence in the stand. Professor Keeton was interested in everything frivolous, diverting and amusing as well as in everything earnest. If there was something to do or watch, he did or watched it. When the war started in 1939, Professor Keeton was building his own boat. It was never finished, but he was Commodore of the Amateur Boat Builders Association and edited their journal. Before the war, he sailed a boat of someone else's construction, lost in the Dunkirk rescue. That was the novelist period. *The Speedy Return*, a version of a true story of piracy between Scotland and England in the reign of Queen Anne prior to the Union, appeared in 1938. In 1940 he

published a book for boys, *Mutiny in the Caribbean*, also based on an actual incident.

The 1930s were scarcely a period of development in university law schools, but significant innovations in law publishing happened then. The *Modern Law Review*, now in its fifty-fifth year, was inaugurated by the enterprise and at the financial risk of a group of London law teachers (including Professor Keeton, who was co-editor from 1937 to 1939 and a member of the editorial committee thereafter until 1955). *The Solicitor*, deceased in 1965 shortly after a change of name and style, was founded under Professor Keeton's editorship. His own durable books, *The Law of Trusts*, now in its twelfth edition, and *An Introduction to Equity* (entitled *Equity* in editions published after the book was expanded twenty years ago) appeared in Pitman's *Equity Series*, of which Professor Keeton was the general editor.

Pitman's were Professor Keeton's main publishers for several decades, but they lost interest in law in the 1970s. Their activity in publishing law books has since revived, but new editions and new books meanwhile had to go elsewhere. In the event, they were spread. The upheavals and take-overs in law publishing of the last thirty years, which in the 1980s reached a frantic pitch resembling the later stages of a game of musical chairs, led to much novation. Professor Keeton did strike up a lasting relationship with Barry Rose, the Chichester publisher who maintains hallowed values and who is now the principal producer and distributor of the Keeton books still in print.

One of the consequences of Hitler's grotesque rule which had an impact on university law schools during the 1930s was the migration to England (and the United States of America) of lawyers retreating from Nazi Europe. The common law of England and the countries to which that law has been exported is, quite apart from language, distinct in technique from the legal systems of continental Europe and was even further away from their methods before the evolution of European Community law and consequent harmonisation. The immigrant lawyers had to learn or improve their command of English even if they were to confine their interests to universal subjects like international law and legal philosophy, but mostly they went the whole hog and became scholars of the common law. In addition to Georg Schwarzenberger, Professor Keeton brought Wolfgang Friedmann, who became a renowned exponent of legal philosophy, to University College, London. Friedmann later moved, via Melbourne, to the chair of jurisprudence at Columbia University and was murdered by muggers just outside the Faculty of Law there.

The second world war sent University College, London on its travels. The Law Department went to Aberystwyth for the phoney war and the

armed struggles ending with Dunkirk, back to London for a brief encounter with the battle of Britain (during which the College was severely damaged) and then to Cambridge until the bombs, the V1s and the V2s were silenced by the demise of their progenitor. The return from Aberystwyth to London, which seems to have delighted West Walians and Londoners alike, took place during a period of jitters about spies and the fantasy of the imminent arrival of German paratroops disguised as nuns. Unknown to Professor Keeton at the time, the door of the vehicle in which he was travelling came ajar and papers and pamphlets on international law and relations escaped. What had happened came to the attention of Keeton only when he was stopped by police investigating reports of the distribution of enemy propaganda in the Welsh mountains.

Gladys went with their sons Peter and Michael to New Zealand for the war. That was the effective end of that marriage save for the post-war divorce proceedings. Meanwhile, George had met Marian and they were married towards the end of 1947. It is impossible to believe that there could be a couple better suited to each other. George's zest was well matched. His and Marian's interests were coincident. They did practically everything together. Even the publications were a co-operative effort for Marian, though not a lawyer, is a first class typist and proof reader. Many authors will appreciate how important it is to have copy read and reproduced by an intelligent, interested and critical person. Together, George and Marian set up the household in Princes Risborough and made their large garden beautiful and productive. Amongst George's other talents was the ability to make things grow; and he was something of an expert in grafting fruit trees. There is no modern twist to the story: the marriage remained a happy and loving mutual admiration society.

In October 1945, University College, like a great deal of London, was a shambles. To reopen the Law Faculty there, using makeshift accommodation, an unregenerated library and depleted academic staff, required a considerable feat of organisation. Much of that fell upon the shoulders of Professor Keeton as Dean of the Faculty and Head of the Department. The burden—or joy—was increased by the addition of ex-servicemen, many of whom had passed examinations for part of a law degree before or early in the war and now aimed to complete their studies as quickly as possible, to the population of students who left school to go up in that year or were already reading law. One by one the staff who had been in the forces or on other national service came back, their knowledge of the law often in the disrepair that results from lack of routine maintenance. There was much to keep up with as well as catch up with, for a Labour government was initiating a flood of legislation and Lord Denning was already on the bench. Through all the tasks of rebuilding and reshaping

the Law Department, Professor Keeton took a full share of the teaching of undergraduate and postgraduate students.

Even in the midst of gathering together the pieces, invention was alive. In 1947, London University created the Institute of Advanced Legal Studies, the brain-child of Professor David Hughes Parry, then Vice-Chancellor of the university as well as a professor of law at the London School of Economics and Political Science. Professor Keeton, along with other London professors, was for many years a member of the management committee. Mainly a library and teaching premises for postgraduate students, the Institute is also a national and international meeting place. The enterprise began in old houses in Russell Square, easy to use but difficult to manage, and is now housed in spacious premises built for the purpose a few doors away.

Also in 1947, University College inaugurated the series of public lectures called *Current Legal Problems* which results in an annual published volume. The lectures, under Professor Keeton's chairmanship, were delivered in the Eugenics Lecture Theatre, perhaps because it was the warmest place in the College, central and intact. The lecture series is still going strong, and the annual publication nowadays includes articles specifically written for it without concomitant oral delivery. Although at a high level, suitable for lawyers and law students, those public lectures are related to Professor Keeton's general and abiding interest in adult education. He taught for the Workers' Educational Association and for Extra-mural Departments of universities one-year extension courses and three-year tutorial courses in international affairs and relations from Manchester days until shortly before retiring from University College. For many years he was chairman of the University of London Extra-mural Council.

One person who was often in the Eugenics Lecture Theatre during the public lunch-time series of lectures also inaugurated by Professor Keeton was a little old lady dressed in old-fashioned style. Many people wondered who she was. Professor Keeton took the trouble to find out and visited her in her bleak flat in Waterloo Road. She, it appeared, did indeed attend in order to come in from the cold. It is a commentary on the economics of little old ladies that when she died a considerable estate was revealed. It is an unusual reward for disinterested kindness that she left it to the Law Faculty at University College.

Professor Keeton's period of deanship of the Faculty of Laws at University College, London, 1939–54, was of a length which has become unusual but was quite normal then. In faculties of law with only one chair, the professor would habitually combine contractually permanent headship of the law department with continuous office or periodic re-election as dean of the faculty, but even the larger law schools generally had long-serving

deans. For whatever reason that habit died, whether due to the embracing of notions of democracy or to the increasing size of academic staffs, the splitting of the duties of deanship of the faculty and those of the headship of the department proved a satisfactory response to the changing scope of organisational functions when the demand for university legal education burgeoned, even in universities where faculties of law were not divided into several departments. The deanship began to circulate around the professors at the University College, London Faculty of Laws, but Professor Keeton remained Head of the Law Department until he retired from the service of the college.

Professor Keeton's administration of legal education at University College, London measured up to the highest standard by which organisers can be tested: that students were unaware that it was going on. When administration becomes obtrusive, there must be inefficiency or squabbling or both. Essential disagreement, debate and innovation do not produce that effect. For some years after the second world war, law teaching at London University was intercollegiate. No doubt that required considerable intellectual endeavour by makers of timetables (who sometimes took an optimistic view of public transport or the middle-distance running of students). Despite a slight taint of disloyalty, those University College students who chose to read optional subjects taught at the London School of Economics and Political Science or King's College did not find their careers blighted. Intercollegiate teaching of undergraduates was abandoned long ago, and London University colleges with faculties of laws even have diverse syllabuses for their bachelors' degrees.

During the course of thirty-eight years as a law teacher at University College, London, Keeton tutored and noticed many students who followed his footsteps into an academic career, including quite a few who were taken on at his college or in other parts of London university. Some achieved the highest eminence; some were among his remote successors as dean. The fifties saw the beginning of the process of establishing new faculties of law in the Commonwealth, a process which gathered pace in the sixties—a decade when many new university and polytechnic law degree courses were also set up in the United Kingdom. There were numerous overseas students at London University long before they were courted by universities generally as a source of wealth. Both at home and abroad, Keeton's former students from home and abroad have been influential in the development of legal education. Sir Roy Marshall, for example, who was a candidate for the degree of Doctor of Philosophy under Professor Keeton's supervision after reading for his bachelor's degree at Cambridge University, and taught law at University College, London, was Vice-Chancellor of the University of the West Indies when the Caribbean law faculty was

established (later Vice-Chancellor of Hull University, he is now Barbados High Commissioner in London and accredited as ambassador to several European countries). The maintenance of contacts all over the world kept Professor Keeton in touch with emerging and growing law faculties, brought him consultative legal work, generated invitations to lecture and inspired the book of large geographical scope, *The Comparative Law of Trusts in the Commonwealth and the Irish Republic*, published in 1976. Of course, many more law graduates who studied in Keeton's department pursued careers in practice as solicitors or at the bar and in diverse other walks of life than went into teaching and research; and eminence was achieved in many directions.

For his thirty years as Head of the Law Department at University College, London, Keeton was naturally the main participant in making, or declining to make, appointments to the academic staff. There were those who joined university College as young lecturers and stayed until retirement as professors. Others left for rapid advancement elsewhere in Britain or overseas. In international law and in the law of trusts particularly, teaching and developments in many countries can be related back to a base in Keeton's department. Several members of the academic staff of University College, London migrated directly or indirectly to Canada, including Professor Donovan Waters, whose big book on the *Law of Trusts in Canada* is cited judicially so often as to have become almost a work of binding authority throughout the Provinces. The preface to Keeton's *The Comparative Law of Trusts in the Commonwealth and the Republic of Ireland* records the personal contacts all over the Commonwealth from whom help was received in the research. The last name listed is from Cyprus, which not only provided Professor Keeton with consultative work on its law of trusts but also became, for a period, a favoured holiday destination for George and Marian and the provider of good wines for the dining table in Princes Risborough.

Professor Keeton, though a good judge of intellect and potential, was, like everybody else, fallible: not everyone he chose bore out his predictions or fulfilled the promise they had shown, while people he overlooked or decided against occasionally invalidated his judgment too. One of his weaknesses—or charms—was a tendency for his loyalty to protégés to outlast its justification. One of his strengths was that he was capable of adjusting his opinions in either direction when the evidence became strong.

At the outset of the decade of the sixties, Professor Keeton was President of the Society of Public Teachers of Law, the learned society founded in 1909 with a membership of persons teaching law at United Kingdom universities and at the professional law schools of the Inns of

Court and the Law Society. The presidency of the society is the highest honour that can be conferred on an academic lawyer solely by the volition of fellow workers. It is an office which makes continuing demands throughout its tenure and ends with the annual conference at which the presidential address is usually, but not necessarily, envisaged as an opportunity for the speaker to express views on legal education. On 20th September 1962, President Keeton delivered a presidential address, described immediately afterwards as 'topical' by Professor Hanbury, leading the discussion, on the behaviour of the judiciary in the quarter of a century before, during and just after the deposition of King James II. That was one of a number of works in which Professor Keeton sought to correct the previously received judicial history of the period and to provide an apologia for much of the career of Bloody Jeffreys. 'Judge Jeffreys as Chief Justice of Chester' had appeared in the *Law Quarterly Review* the previous year; 'Judge Jeffreys: Towards a Reappraisal' was published in the *Welsh History Review* in 1962; and in 1964 *Cheshire Life* carried 'Bloody Jeffreys.' That phase of Professor Keeton's work culminated in 1965 in the publication of a substantial book, *Lord Chancellor Jeffreys and the Stuart Cause*.

Professor Keeton's historical writings are sometimes biographical in form. The lives under review are set in the context of the state of the law and of the legal developments of the time in which they were lived. In that category come, in addition to the works on Jeffreys and the downfall of the Stuarts, a number of articles and these books: *A Liberal Attorney General: being the Life of Lord Robson of Jesmond 1852-1918* (1949) and *Harvey the Hasty—A Mediaeval Chief Justice* (1978). In two of his books the historical basis is literary. Professor Keeton analysed great dramatic legal conflicts in *Shakespeare and His Legal Problems* (1930) and *Shakespeare's Legal and Political Background* (1967). Their roots were in his schooldays. In 1918, adolescent Keeton was secretary of the Sheffield Central Secondary Boys' School Shakespeare Society, *The Merchant of Venice* being performed four times in December of that year. Secretaries had no time to act, but he trod the boards before and after. An account of the Society is given in *All Right on the Night* (1929), a book edited and partly written by Keeton. Facing page 140 is a photograph which includes the editor making his stage debut in 1917 as the first Sicilian lord in *The Winter's Tale*. (Turn on a couple of pages for a more mature representation in orthodox dress.)

In his various textbooks on equity and trusts there is a wealth of historical material illuminating the origins and development of doctrines operating today (as well as superseded doctrines without knowledge of which precedents still cited on other points often cannot be fully understood). *The Modern Law of Charities*, first published in 1962, was occasioned by the enactment of a wide-ranging Charities Act for England and Wales in 1960. The

'modern' law of charities means the law as it is, but that may be taken as having begun when the first major legislation was enacted, and the first charity commissioners were provided for, in the Statute of Charitable Uses, 1601. In his book, Professor Keeton does indeed treat 'modern' as 1601–1960, with the accent on 1960, but he also informs his readers of the Tudor precursors of the great statutory changes of 1601 and shows how charity in England evolved from mediaeval times to the state in which it was a constituent of the social problems facing the policy makers of Elizabeth I.

As both historians and lawyers should, Professor Keeton insisted on the best evidence in his research. In 1948, during a conversation about *Sambach v. Dalston*, a case decided in 1634 and correctly regarded generally as a keystone in the structure of the modern law of trusts but briefly and poorly treated by the law reporters, he initiated a visit to the Public Record Office to substitute, if possible, knowledge for speculation. The manuscript record of the proceedings in fact settled everything that had been under discussion, and that is a lesson which should be re-learned whenever overlooked. It is essential to use originals, in preference even to what purport to be reproductions of originals, for, unless reproduction is by a photographic process, reprints import misprints. Reform of the law of charities, not undertaken theretofore since 1601, was a recurring public issue during the first half of the nineteenth century (as it has been recently, despite the Act of 1960, and will be in the twenty-first century notwithstanding the enactment of the Charities Act 1992). In *The Modern Law of Charities*, Professor Keeton made extensive use of governmental and parliamentary papers and the reports of commissioners throughout the nineteenth century. Judging by how dirty the work was, not many people had been there before. His work was seldom lightened by research assistants: grants to support legal research, including research into legal history, were hard to come by. Amongst the exceptions was *The Comparative Law of Trusts in the Commonwealth and the Irish Republic*. A two-year fellowship awarded to Professor Keeton by the Leverhulme Trust enabled him to employ assistance in the research for that book. He did sometimes collaborate with co-authors or co-editors. In the case of several of his books on equity and trusts, he did all the work himself in the first place, a co-author being enlisted only for new editions. Legal history he wrote alone.

The British Academy elected Professor Keeton to fellowship in 1964, when the limit was two hundred fellows under the age of seventy-five. The opinion expressed in the citation was:

Professor Keeton is now the senior member of the University of London Law Faculty. He has been Principal of the London Institute of World Affairs since 1938, a field in which he has an international reputation; and through the Institute he has stimulated much original work. His numerous books on

legal philosophy, equity, and the law relating to charities constitute important contributions to legal learning; his lucid analysis of difficult problems has also made them popular with law students. In addition to his books he has had many articles in the *Law Quarterly Review*, *Current Legal Problems*, *Transactions of the Grotius Society*, *British Year Book of International Law*, and *Year Book of World Affairs*.

There follows a list of his principal publications.

The allusion to the stimulation of much original work deserves to be picked up. Despite the massive quantity of research and writing he did himself, Professor Keeton had too many ideas for one person to bring to fruition on his own. They were liberally articulated. Consequently, as well as a prodigious author, Professor Keeton was a facilitator and stimulator. It was not only methods and standards that were derived from Professor Keeton by students and colleagues: expressly or by implication they learned of countless things that ought to be done and which they found they would like to do.

Around the time of Professor Keeton's sixty-fifth birthday, 'the worldwide circle of former students and other close friends' conceived a desire 'to express, however inadequately, their affection for him and their appreciation of his attainments as a scholar and academic teacher.' The product was a symposium of essays, *Law, Justice and Equity*, published in 1967 under the editorship of Messrs. Code Holland and Schwarzenberger (from whose preface the quotations are taken). The volume includes a selected bibliography of Professor Keeton's writings on law and international relations thus far, compiled by Sultana Saeed. The frontispiece is a reproduction of a portrait of Professor Keeton, an evocative likeness painted by Julia Heseltine, which had been presented to the Faculty of Laws of University College, London by Dr George Webber, formerly Reader in English Law there, and which now hangs in the Keeton Room of the faculty building.

The bibliography compiled by Sultana Saeed shows the range of Professor Keeton's authorship. The headings she used, under all of which there are entries for numerous articles, notes and reviews, are: *administrative law* (including one book, *Trial by Tribunal*, 1960); *charities* (including one book, *The Modern Law of Charities*, 1962 and subsequent editions from time to time); *company law*; *comparative law* (comprising Asian, European, American and South African topics); *conflict of laws*; *constitutional law* (including one book, *The Passing of Parliament*, first published in 1952 and meriting a second edition in 1954); *criminal law, courts and procedure*; *English law* (including one book, with other contributors, *The United Kingdom: The Development of its Laws and Constitution*, 1955); *equity* (including two books, *An Introduction to*

Equity, 1965, current as *Equity*, 1987 edition, and *Cases on Equity and Trusts*, 1959, with another edition in 1974); *industrial law*; *international law and relations* (including seven books written alone or with co-authors, *The Development of Extraterritoriality in China*, 1928, *The Problem of the Moscow Trial*, 1933, *National Sovereignty and International Order*, 1939, *Making International Law Work*, 1939, with a second edition in 1946, *The Case for an International University*, 1941, *Russia and her Western Neighbours*, 1942, and *China, the Far East and the Future*, 1949, with a second edition in 1953); *jurisprudence* (including two books, *The Elementary Principles of Jurisprudence*, 1930, with a second edition in 1949, and, with Professor R.A. Eastwood, Dean of the Faculty of Law at Manchester University, *The Austinian Theories of Law and Sovereignty*, 1929); *law of contract and tort*; *law of succession*; *law reform*; *legal education and profession*; *legal history* (including six books, being, in addition to the four already mentioned, *Trial for Treason*, 1959, and *The Norman Conquest and the Common Law*, 1966); *property law*; and, of course, *trusts*.

By the time of the occasions of honour by the British Academy and by the worldwide admirers, Professor Keeton's chair at London University had only a few more years to run. Early retirement and the fashion of parting company prematurely with their best scholars had not yet been embraced by United Kingdom universities. The operative scheme then was an arbitrary retiring age (sixty-seven at London University) designed to rid universities, without managerial embarrassment by judgment or argument, of employees whose powers were failing. So far from any of Professor Keeton's powers failing, they increased in those closing years. In 1966, he embarked upon a three-year term as Vice-Provost of University College, London, a post in which his experience, knowledge of the college and the university, invention, firmness, kindness and common sense were fully deployed. So it was that in 1969 Professor Keeton's retirement was from a dual role in the college.

That was the close of a long and illustrious chapter, not the end of a career. In the prime of life, commanding the energy many a younger academic would envy, the emeritus professor swapped one employer for two. From 1969 to 1977 he was responsible for the courses pursued in London by law students of Notre Dame University during their annual expatriation. From 1969 to 1977 he was involved in the development of legal education at Brunel University. The journey from Princes Risborough to Uxbridge is more convenient than commuting between Princes Risborough and Bloomsbury, but now Florida came into the regular itinerary too. Professor Keeton's zest for travel was unabated, as was his enthusiasm for lecturing. During the 1970s he accepted an invitation to deliver the most prestigious series English-speaking Asia has so far had, *The Tagore*

Lectures. He did prepare them, a considerable work; unfortunately, due entirely to difficulties in India, the lectures were never given.

Starting a new university teaching department is an exciting venture for everyone who participates in it. Planning syllabuses, acquiring a library, recruitment of the first staff and students, securing professional recognition for graduates and, perhaps above all, ensuring that the new block fits comfortably as well as usefully into the university structure, are all challenging tasks. If the project becomes manifestly successful, excitement may diminish but an equally pleasurable sensation replaces it.

As at Hong Kong University and University College, London, Professor Keeton participated at Brunel University in the founding of a periodical. The *Anglo-American Law Review*, published by Barry Rose and edited at first by Professor Keeton and Keith Devlin, first presented itself to the public in 1972 and is now in its twentieth volume.

Even misfortunes can have a sunny aspect. One sad episode threw up an unusual instance of judicial notice. A student of economics and law at Brunel University was denied progress towards his goal of becoming a lawyer because he repeatedly failed examinations in economics. Some of the academic lawyers at Brunel (not, as a matter of fact, including Professor Keeton, who knew nothing of the case) used their good offices to arrange the student's transfer to another university at which he could read for a degree in law alone. The candidate failed there as well and eventually sued the second university and the head of its law department for conspiracy. The fanciful case was, in effect, that the defendant professor had conspired with Professor Keeton to bring about the plaintiff's failure in economics and consequent transfer from Brunel to the other university in order to wreak undeserved disaster on the plaintiff at closer quarters. Appearing in person, the plaintiff asked the defendant in cross-examination whether he was intimately associated with Professor Keeton and wrote books with him. The judge did not catch the name at first and the witness re-enunciated it for him. 'Oh, Professor Keeton,' said the judge, 'he's very well known.'

In 1976, Professor Keeton and I planned the only book on which we worked together from scratch, as opposed to my joining him as co-author when the work was already under way or proceeding to a new edition. Dr W.G. Hart had much material on which the Trusts Bill, 1908, to codify the law of trusts was based. The Bill was not enacted, and in 1909 Dr Hart published the material as a book entitled *A Digest of the Law relating to Private Trusts and Trustees*. We decided to write a new book following Dr Hart's form of articles of a possible code, followed by commentary and illustrations drawn from decided cases. In addition to taking account of over half a century of new legislation and judicial precedent, we added sections on charitable trusts, custodian trustees and trust corporations, all

outside Dr Hart's scope. In the academic year 1976–7, Professor Keeton was still at Brunel University and I was a Commonwealth Visiting Professor in Canada, based at the University of Manitoba. The scheme we adopted was for me to draft the articles of the code and the commentary and post the drafts to Professor Keeton, whereupon he would return them with criticism and drafts of the illustrations for my criticism. The work went well in that way and in the spring of 1976 I was able to deliver a first version of the book to our publisher when he visited Manitoba. His enthusiasm for the project seemed to cool when, on an outing, I drove our car along a track into some supernaturally adhesive mud, but his willingness to publish survived. I had found the work tough going to fit in with my responsibilities as a visiting professor and writing a couple of articles for Canadian legal periodicals and imagined that Professor Keeton, doing his share in his spare time, had found it demanding too. It should have come as no surprise to me that, when we had finished the *Digest of the English Law of Trusts*, Professor Keeton presented me with a copy of *Harvey the Hasty*, which he had written at the same time. Three years ago, a Japanese translation of the *Digest* appeared. It looks beautiful, but we had reluctantly to forgo the kind invitation of the translators to comment on their work.

That was the last book Professor Keeton wrote on the law of trusts. The first was a textbook, published in 1934 and entitled simply and informatively *The Law of Trusts*. The twelfth edition is about to be published, many of the earlier editions requiring reprinting and supplements. I had used *The Law of Trusts* as a student, and later as a teacher, but it was not until I joined in the preparation of the tenth edition twenty years ago that I appreciated fully the depth of insight commanded by the original author. There are a number of current works on trusts of high quality, but the contribution of Professor Keeton to contemporary knowledge of the subject would be difficult to overestimate.

Sometimes, as with that book, his careful treatment of history and development has misled observers into thinking that Professor Keeton was more concerned with the past than with the present state of the law. Nothing in his writings supports that superficial conclusion. In fact, news often stimulated him into an article, and some of his books on trusts are distinctly rooted in the time at which they were written: *Social Change in the Law of Trusts* (1958), *The Investment and Taxation of Trust Funds* (1964) and *Modern Developments in the Law of Trusts* (1971). With the assistance of Professor Ernest Scamell, he also edited the the 1960 edition of Williams on *Executors and Administrators*, the leading practitioners' reference work.

A sturdily built person, normally robust in health, Professor Keeton suffered a bout of influenza or some such illness during his seventy-eighth

winter. For some undiagnosed reason, but most probably because of worry about his wife's prolonged and more serious illness, he was in a depressed state for some time afterwards. With the completion of *Harvey the Hasty*, he lost interest in writing. He did not participate in the production of the subsequent editions of his books or engage in any work from then on. He lost the taste for travel and for social intercourse with anyone but the few intimate friends whom, tiring quickly, he liked to see for short periods. At no stage did he falter in mental capacity, in keeping up with current affairs or in his sense of humour. His memory was unailing and he remained an entertaining raconteur, but with a lack of gusto which was a curious sensation for those who had known him well before the illness. Happily the depression eventually lifted as the years went by and his interest in investment intensified. Although following a more constricted routine than before, the last part of his life, until the final, unpleasant but brief, struggle with cancer, was contented.

As a trusts lawyer should be, even if only on behalf of persons seeking advice or in the pursuit of scholarship, Professor Keeton was knowledgeable about investments. Despite living fully and in material comfort, never appearing to stint his family or himself, he generated spare resources upon which to bring his knowledge and flair to bear. George Keeton did not start with any wealth behind him, but he earned a great deal besides his academic salary. His investments, like his grafted fruit trees, prospered and also provided yet another occasion of intellectual engagement and diversion.

George Keeton was a radical. That is not to say he was a man of the left. Politically, he was probably best classified as an old fashioned liberal, leaning, if he leant, more to the conservative than to the socialist trend of opinion. He had a wide acquaintance among politicians. To his amazement, representatives of each of the three main political parties approached him to stand as a candidate for Parliament in the general election of 1945. That is evidence not of being all things to all men but of being nobody's conformist.

His thought was radical, and he was an innovator as well as a historian. It is scarcely to be expected that his books will remain for ever tools in daily use by those who work on law or history: hardly anybody's do. The journals, institutions and facilities of legal education which he established, joined in creating or inspired will have an enduring influence. What he accomplished was varied as well as large in quantity, and everything he did he did very well.

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