Book Review: Law of Trusts in Canada, by D. W. M. Waters

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Book Review

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Canada. Indeed, a number of important Canadian decisions are set out in great detail. There is little reference to statutory material, except the Sale of Goods Act 1893, which is substantially the same as the corresponding Canadian law. Thus, this book should be of great help to the Canadian reader interested in obtaining a basic understanding of the law governing product liability.


The author's stated purpose in writing this book was to provide a comprehensive and analytical Canadian text for both students and practitioners. It should be particularly useful to students as it is written in a simple, clear, easy to read manner.

This book is intended to be the first volume of a two-volume work on the law of wills in Canada. As such, it only deals incidentally with problems of construction and focuses mainly on the substantive law of probate. It covers the nature of a will, testamentary capacity, knowledge and approval of contents, due execution, revocation, republication, revival and incorporation, grants of probate and administration, and executors and administrators, offering suggestions for law reform throughout.


When the author first published his treatise on trusts in 1974, it was well-received by the reviewers, but the major criticism was that the book, at $80.00, was out of the price range of students. That problem has now been remedied by the publication of a soft cover students' edition which makes the work much more accessible to the one group that can most benefit from it.

The book focuses on Canadian materials and covers all Canadian jurisdictions, including a chapter on the trust in Quebec. It is written in narrative style and the author approaches each topic from first principles. Besides the areas normally considered in books on the subject, the author discusses the modern uses of trusts, including business trusts and the use of the trust in tax planning which will be useful in helping students gain an understanding of the trust concept and its importance.