Singapore Journal of Legal Studies
[1999] 335 – 408

FOUNDING FATHER AND LEGAL SCHOLAR – THE LIFE AND WORK OF PROFESSOR LA SHERIDAN*

The present essay surveys the life and work of the first Dean of the Law Faculty, Professor LA Sheridan. It traces his initial career and his subsequent work in establishing the local law school. In this latter respect, this essay examines Professor Sheridan's visions and goals – and how these were realised in a tangible manner through his prodigious efforts in the directions of staff and student recruitment, the establishment of an appropriate curriculum and the law library, as well as his encouragement of legal research through the production of not only books and periodical articles but also the establishment of the then *University of Malaya Law Review* (now renamed the *Singapore Journal of Legal Studies*). Professor Sheridan's own amazing range, quality as well as quantity of scholarship is then described. The title of the present essay attempts to capture both these strands, *viz*, the pivotal role he played in the foundation of the local law faculty and his sterling scholarship, which he continues to produce even today, many years after his retirement.

* I owe great and precious debts of gratitude to a great many persons, without whose help this essay could not have been attempted, let alone written. Of these, the most helpful (and gracious, I might add) was Professor Sheridan himself. He did not readily approve of the project but relented when I pressed the matter further: after which his help was unstinting and matched only by the obvious humility that he displayed. Professor Sheridan is a direct man; he is not one to gloss over his obvious strengths and is yet able to elucidate them without any arrogance whatsoever. This made my task all the more pleasant, despite the enormous amount of materials (principally, Professor Sheridan's enormous body of scholarship) I had to attempt to digest and make sense of. I am also grateful for something that now appears rather modest, but which was Professor Sheridan's first major contribution to this project: a bibliography of his writings. This saved me much valuable time and would save any reader as much (if not more) time, and so I am including that very list as an Appendix to the present article. Since this acknowledgment was first written, I have had the signal honour and privilege to have visited with Professor and Mrs Sheridan at their home in St Nicholas, Wales. Their enormous warmth and hospitality defy description as well as attempts at recording one's gratitude.

I am also extremely grateful to Associate Professor Bernard Brown of the Faculty of Law, University of Auckland and who was on the staff at the then University of Singapore Law Faculty from 1959 to 1962. His extensive information and reminiscences, his comments on drafts, as well as (above all) his constant encouragement are deeply appreciated.

All errors, however, remain mine alone.

I. Introduction

ENGLISH law was formally introduced into Singapore in 1826,[1] and has (despite some difficulties that have only been recently resolved)[2] continued to remain, in the main, the foundation of the Singapore legal system. However, it was to be another one hundred and thirty years before a local law department was finally introduced in 1956, some three years before internal self-independence, seven years before the formation of Malaysia, and nine years before Singapore's formal independence. That department became a Faculty of Law on 9 November 1959. More importantly, the establishment of that department in the first instance was due to the efforts of one man: Professsor Lionel Astor Sheridan. This effort was in fact literally the efforts of Professor Sheridan himself; in his own words, the Department initially comprised just himself and the late Mr Young Cheng Wah.[3] The Faculty of Law celebrates its fortieth anniversary this year with a permanent staff strength near sixty and a Law Library with arguably the best common

1 *Via* the Second Charter of Justice of that year; and as interpreted in the leading decision of Maxwell CJ in *R* v *Willans* (1858) 3 Ky 16. For pieces on (of only largely theoretical import, however), see generally Mohan Gopal, "English Law in Singapore: The Reception That Never Was" [1983] 1 MLJ xxv; *contra* Andrew Phang, "English Law in Singapore: Precedent, Construction and Reality Or 'The Reception That Had To Be'" [1986] 2 MLJ civ.

2 For problems of both general reception (under the Second Charter of Justice: see *supra*, note 1) and specific reception of English law (under s 5 of the Civil Law Act (Cap 43, 1988 Rev Ed), see generally Andrew Phang, "Reception of English Law in Singapore: Problems and Proposed Solutions" (1990) 2 SAcLJ 20 and, by the same author, "Cementing the Foundations: *The Singapore Application of English Law Act 1993*" (1994) 28 UBC Law Rev 205. The entire situation has now been resolved *via* the Application of English Law Act (Cap 7A, 1994 Rev Ed); for an overview of the Act, see the latter article just cited.

3 Sheridan has observed that in early 1957, "the Department of Law consisted of Mr Young Cheng Wah, a table, a chair, and myself": see his reply to a farewell dinner given in his honour, "Annual Law Society Dinner and Farewell to Professor Sheridan and Mr Bartholomew" [1963] MLJ vii at xi (hereafter referred to as *Farewell*).

Mr Young was in overall charge of the administration at the local Law Faculty right from its inception and retired over thirty years later, and was also Secretary to the Board of Legal Education for over twenty five years: see generally "Profile – Secretary to the Board" Singapore Law Gazette (September/October 1992) 16 and Andrew Phang, "Mr Young Cheng Wah – A Personal Appreciation" (1995) 16 Sing LR 23. Bernard Brown observed that the initial appointment of Mr Young was a demonstration of Sheridan's "sensitive 'feel' for establishing good 'systems'", and that Mr Young had gone on to serve "for many years – superbly": personal communication to the author (nd; on file with the author; hereafter referred to as *Brown*).

law[4] collection in the Asia-Pacific Rim.[5] It is only fitting, therefore, to dedicate this essay to the founding father of the local Law Faculty.[6]

Professor Sheridan (or "Lee", as he is popularly referred to)[7] had in fact (in Professor RH Hickling's words)[8] "a gift for founding law schools".[9] Several years later, Sheridan helped set up the Law Faculty at University College Cardiff. However, his achievements stretch beyond the founding of law schools, important as they obviously are. Sheridan was a prodigious scholar and indeed much time was spent by the present author tracking down as well as reading the enormous body of scholarship he produced

4 It should be mentioned that with the advent of comparative legal studies, the Law Library's Asian collection (in particular) is now of some prominence.

5 And see "A Tribute to Professor Sheridan" (1984) 5 Sing LR 1 (hereafter *Tribute*), where Professor Bartholomew, a former Dean and outstanding scholar in his own right, observed thus:

> His first task was to create a library, and so successful was he in accomplishing this, that today the Law Library of the National University of Singapore is one of the finest university law libraries to be found in the common law world.

6 The timing of this essay is uncanny. I had wanted to write an essay on the first Dean of the local Law Faculty and had written to Professor Sheridan some time ago. However, the burdens of academia (as reflected in both teaching as well as pre-existing research (and other) commitments) saw an embarrassing delay in the commencement of this project. As I finally began my research and writing, I suddenly realised that the Faculty itself was going to celebrate its fortieth anniversary this year. There are times when divine providence rectifies, in very amazing ways, the very real problems generated by human error and weakness.

7 On at least two occasions, Sheridan has written under the name of "Lee Ang Shoy" and, indeed, in *Tribute*, *supra*, note 5, the sub-title is in fact "(Lee Ang Shoy)": see *eg*, "*Mat Adat bin Undang Undang* v *Undang Undang bin Mata Mata*" (1961) 3 Univ Malaya Law Rev 63 and "Constitutional Problem in Malaria – *National Mosquito Board* v *Who*" (1979) 21 Mal LR 135 (and see the first (asterisked) note at 315: "This hypothetical case is inspired by *Selangor Pilot Association (1946)* v *Government of Malaysia* [1977] 1 MLJ 133 (PC)."). The coincidence of initials ("LAS") is not (perhaps) immediately obvious, although a perusal of the substantive content of the pieces just mentioned would clearly confirm the actual author. Not surprisingly, each of these pieces, although demonstrating great scholarship, is nevertheless written in a tongue-in-cheek fashion.

8 Professor Hickling is himself no stranger to Singapore; he was Visiting Professor during the academic years 1974 to 1976 and 1978 to 1980. He has also visited at Law Faculties in her close neighbour, Malaysia, on numerous occasions, and is the author of such books as *Malaysian Law* (1987), which was, significantly, reviewed (and generously at that) by Sheridan himself: see *infra*, note 140); *Essays in Singapore Law* (1992); and *Essays in Malaysian Law* (1991).

9 See *Tribute, supra*, note 5, at 3. See also A Wilson, "The Founder of A Law School" (1960) 2 Me Judice 6 at 6 ("Professor Lionel Astor Sheridan is a graduate in law, a learned writer, a teacher in law and, *above all, a founder of a Law School in a part of the world where university education in general is still on its threshold."* (emphasis added)).

(and is still producing even today).[10] The main title of the present essay attempts to capture both these pivotal facets of Professor Sheridan's academic achievements. Indeed, the essay itself is structured along these lines. I will (in Part II) outline the life and career of Professor Sheridan, after which I will focus (in Part III) on his body of scholarship. A brief conclusion (in Part IV) attempts the admittedly impossible task of summing up the achievements of a very great scholar and remarkable human being.

II. The Life and Career of LA Sheridan

A. *Introduction*

Lionel Astor Sheridan was born in Croydon, Surrey in England on 21 July 1927.[11] Receiving his early education at Whitgift School, he read law at London University, graduating in 1947, whereupon he duly read for (and was called to) the English Bar the next year.[12] We are told that Sheridan "was fascinated by the institution of law";[13] and this interest existed in tandem with an interest "in the field of politics":[14] which is a very incipient indication of the interdisciplinary approach Sheridan constantly adopted towards the study, teaching as well as writing of law. At the age of seventeen, after his Cambridge Higher School Certificate Examination,[15] Sheridan had intended to return to school for a year to study for a scholarship examination for entry into Pembroke College, Cambridge, to read for a degree in English and French literature. However, he changed his mind and entered London University as a candidate for the Bachelor of Laws degree instead:[16] "He decided to take up law and thus put on [*sic*] to a practical basis the aspirations he had when he was interested in law during his school days".[17]

Not surprisingly, Sheridan decided to read for a PhD at the same institution he had just graduated from (the University of London), but financial constraints

[10] See *infra*, notes 362-364.

[11] To Stanley Frederick Sheridan and Anne Sheridan (nee Quednau): see *Tribute*, *supra*, note 5, at 1.

[12] See *ibid*. Sheridan actually passed his Bar Examination before he was of eligible age (*ie*, 21 years) to be called to the Bar: see Wilson, *supra*, note 9, at 6.

[13] See Wilson, *supra*, note 9, at 6.

[14] See *ibid*.

[15] Now known as the General Certificate of Education A Level Examinations.

[16] Personal interview by the author with Professor Sheridan on 10 May 1999.

[17] See Wilson, *supra*, note 9, at 6. The relevant account there, however, (to the effect that Sheridan had been awarded a scholarship to study English and French literature) is somewhat different and Professor Sheridan gave me the correct version during our interview, which is now recorded in the main text above.

hampered further progress in this direction.[18] However, he was undeterred and took up some part time teaching[19] whilst continuing to pursue his PhD. He subsequently joined as a part-time Assistant Lecturer at the University of Nottingham,[20] whilst still retaining his part-time position in London.[21] Shortly thereafter (at the end of 1949), Sheridan obtained a Lectureship in Law at Queen's University, Belfast.[22] He then transferred his doctoral candidature from London to Queen's University itself.[23] His new supervisor was the late Professor JL Montrose, who was in fact Dean at the Faculty of Law at Queen's University for an astonishing twenty nine years.[24] Sheridan's thesis, entitled *Fraud in Equity*, was subsequently published, to more than a modicum of critical acclaim and some parts of it were extremely prescient; but of this, more in the next Part of this essay.

On the domestic front, in the same year he was called to the Bar (*viz*, 1948), Sheridan married Margaret Helen Béghin,[25] whose constant support for her husband was to be expressed in many significant ways. This included helping to entertain staff, students as well as international scholars and making them feel at home,[26] as well as helping in editing and proofing her husband's various publications.[27] As to the former, Professor Tommy Koh also recalls thus:

> He [Sheridan] and his wife, Margaret, made it a habit to invite a few law students home every week either for drinks or for a meal at which they would have the opportunity to meet with members of the legal profession and other leaders of the Singapore community.[28]

[18] See *ibid*.

[19] Teaching candidates for the Bar Examination at the London County Council Law School: see *ibid*.

[20] See *ibid*.

[21] See *supra*, note 19.

[22] See Wilson, *supra*, note 9, at 7.

[23] See *ibid*.

[24] See generally Andrew Phang, "Exploring and Expanding Horizons: The Influence and Scholarship of Professor JL Montrose" (1997) 18 Sing LR 13.

[25] Two children followed: Linda Anne and Peter Louis: see *Tribute*, *supra*, note 5, at 1. The Sheridans also have two grandchildren.

[26] See *Brown*, *supra*, note 3.

[27] The instances are legion: see *eg*, George W Keeton and LA Sheridan, *Equity* (3rd ed, 1987) at v, where the authors state that they "are grateful to Mrs MH Sheridan, who assisted with the research and in reading the proofs".

[28] Essay written on 18 May 1984 (at 3), parts of which were reproduced in *Tribute*, *supra*, note 5; hereafter referred to as *Essay*.
And the present writer had the signal privilege and honour of receiving such warm hospitality during his recent visit at the Sheridans' home.

As it turned out, events were conspiring to inch Sheridan ever closer to Singapore. A Professorship of Law in Singapore was advertised in *The Times*, and Sheridan was nominated by one of the applicants as a referee, which application was unfortunately unsuccessful.[29] We are told that a second advertisement was put out, and that '[d]ue to lack of applicants, the Committee of Legal Studies proposed four candidates, amongst whom was Professor Sheridan himself':[30]

> The offer was unexpected because as yet he [Sheridan] had not entertained the idea of leaving England for overseas ... So it was after some reluctance and hesitation that he accepted the offer and finally having been selected as Professor of Law he was given the task of building up a law school in Singapore when he arrived here [*ie*, Singapore] in July 1956.[31]

Professor Sheridan did more recently observe that what finally persuaded him to accept the offer to come to Singapore was the opportunity to start a new law school, which was (in his words) a "chance in a lifetime", "a chance of doing something quite exciting".[32]

It should be noted at this juncture that Sheridan was only 29 years of age when he arrived in Singapore. However, in the space of approximately half a dozen years before his arrival, Sheridan had already published quite substantially.[33] Notwithstanding this, however, to be thrust into the job of founding a law school several thousand miles distant was no mean task, particularly for an academic of such relatively tender years. Lee Sheridan and his family "arrived in Singapore at the end of July, 1956 by boat, an old-fashioned but pleasurable method".[34]

Sheridan set about his task of constructing a local law department with alacrity; indeed his enthusiasm and energy impressed all concerned.[35] There

[29] See Wilson, *supra*, note 9, at 7.

[30] See *ibid*. Professor Sheridan did point out that "it is true that I did not accept the offer quickly, but that was due to serious consideration whether it would be a wise career move to do so": personal interview by the author with Professor Sheridan on 10 May 1999.

[31] See *ibid*.

[32] Personal interview by the author with Professor Sheridan dated 10 May 1999. As we shall see, Sheridan did in fact also help found another law school, this time back in the United Kingdom itself.

[33] See generally the work cited in the notes following.

[34] See Sheridan, "Looking Back", (1984) 5 Sing LR 9 at 10; and, as Sheridan added, this "was also how we left in 1963": see *ibid*.

[35] The then Attorney General of Singapore, Mr Tan Boon Teik, had this to say (see *Tribute*, *supra*, note 5, at 1):

> Even at our first meeting, I was impressed with his enthusiasm at setting up a Law School.

appeared to be at least five immediate (and closely related) tasks that required immediate attention: to hire adequate as well as qualified academic staff; to garner a sufficient student body; to devise a viable syllabus; to establish an adequate law library; and to ensure that a body of local legal research was established. We shall briefly deal with each of these *seriatim*, commencing with the first, *viz*, the establishment of a core of academic staff. It is interesting, however, that Sheridan himself observed that "the first teaching of law I did after arriving in Singapore was produced by [Derek Cooper of the British Broadcasting Corporation] on Radio Malaya".[36]

B. *Recruiting Staff*

When one reviews the early staff of the local law faculty,[37] one finds an astonishing range of academics, virtually all of whom proceeded to distinguish themselves not merely in academia, but also in other spheres: such as the judiciary and politics.

Sheridan himself was not unaware of the daunting task that faced him. He once observed thus:

> He had come, he said, to explore this possibility. He believed the whole project was one worth investigating into and at that stage had no further ambition, although I could judge at the very first meeting on board the ship that had brought him and his family all the way to Singapore that here was a person fired with ambition and imagination over a project which he had given some considerable thought to. I had, myself, been only in Singapore for a period of less than two years. I recall being somewhat impressed by the intimate knowledge he had of places he had never seen, like Raffles Place, the departmental store of Robinsons and Arab Street. He had obviously done some study of Singapore before his arrival.
>
> All those impressions I have had of him were soon to be confirmed when I met him again some few days later. He had already got down to work. He had interviewed various people. He was under no illusions. Some of those whom he had met had even forewarned him of the antagonism which certain members of the Bar had over the proposal of a Law School; but he at the same time was encouraged by the positive reactions he had from some members of the Bar.

Professor Tommy Koh has also observed, in similar vein, thus (see *Tribute, supra,* note 5, at 6):

> I remember Lee Sheridan as a man of boundless energy. He not only taught a heavy load but he also published a great deal. In addition, he always found time to help the members of the legal profession and served the community. ... I have always been amazed by how Lee managed to do so many things at the same time.

Bernard Brown has also observed that Sheridan's "two greatest assets were his immense industry and his expansive vision": see *Brown*, *supra*, note 3.

[36] See Sheridan*, supra*, note 34, at 10. See also *infra*, note 183.

[37] I am particularly indebted here to Bernard Brown who furnished much valuable information.

> Malaya is not one of the poorer areas of the world, but it is poor in law teachers.[38]

In the same article, he was all too cognizant of the fact that while it was relatively easier to recruit for the topmost posts (of professor) and for the converse (of research assistant), there was, in his words, "a yawning gap in the middle".[39]

Given the obvious difficulties, Sheridan's success in establishing a complement of quality academic staff is remarkable. To gain but a flavour of what he achieved, I turn now to a very brief survey of some of the staff members recruited during this early period.[40]

Mr Chua Boon Lan was, we are told, "a most industrious local lawyer who came full-time to the University" and served, in the first instance, as Sheridan's "principal assistant";[41] indeed, he was later to serve as Dean (albeit for a relatively short period of time).[42] Another appointment was that of Ms Alice Erh Soon Tay,[43] who later proceeded to take her PhD from the Australian National University and who was appointed to the prestigious Challis Professorship in Jurisprudence at the University of Sydney.[44] Yet another appointment was that of Mr John Tan Chor Yong.[45] Still on the local front, Sheridan also obtained the services of Mr Harry Wee on a part-time basis,[46] as well as those of that great criminal lawyer, former Chief Minister, and Singapore's Ambassador to France, the late Dr David Marshall,[47] the former Minister for Law, Mr EW Barker,[48] and the former

[38] See LA Sheridan, "Legal Education in Malaya" (1957) 4 JSPTL (NS) 19 at 21.

[39] See *ibid,* at 22.

[40] See, again, the acknowledgment at *supra*, note 37.

[41] See *Brown, supra*, note 3.

[42] From October 1962 to September 1963. Mr Chua was in fact with the Faculty from July 1957 to June 1965: see S Jayakumar, "Twenty One Years of the Faculty of Law, University of Singapore: Reflections of the Dean" (1977) 19 Mal LR 1 at 33.

[43] Who served for a relatively short period of time: from 1 July 1958 to 31 December 1959: see Jayakumar, *ibid*.

[44] See also "*Au Revoir*" (1960) 2(2) Me Judice 24 at 25 ("Women form a small minority in this world of legal teaching and Alice became even more a rarity by taking up her first appointment in South-east Asia.").

[45] Who was on the staff of the Faculty from 1 May 1959 to 19 November 1960: see Jayakumar, *supra*, note 42, at 33.

[46] See LA Sheridan, "Legal Education" [1961] MLJ lxxxv at xciv. Mr Wee is still in practice and is the sole proprietor of Braddell Brothers.

[47] See *ibid*.

[48] See *ibid*. Mr Barker also held other ministerial portfolios whilst serving in the Singapore Government.

Attorney General, Mr Tan Boon Teik.[49] Also enlisted was the late Mr Punch Coomaraswamy,[50] who was later to become Singapore's Ambassador to India and the United States as well as a Judge of the Singapore Supreme Court. Justice Coomaraswamy's reminiscences are of particular interest here; having entered into negotiations with Sheridan,[51] he was a pioneer teacher in the local law of evidence and, in fact, continued to be so for fifteen academic years before his appointment as Ambassador to India in 1970. Three years after commencing to teach the law of evidence, Justice Coomaraswamy recounted how approaches were made to Sheridan by another teacher who wanted to teach evidence and how these approaches were rejected by Sheridan; in the late judge's own words:

> This is a very personal note. I think it ought to be known that Lee was a man who kept his word once he gave it; and in these days as in those, that counts a lot.[52]

Sheridan was also extremely resourceful and innovative (some might even say unorthodox) in his recruitment policies. For example, Bernard Brown[53] recounted how someone in Australia had mentioned to Sheridan that he "was a person with a law degree who was serving with the RAF[54] in Singapore".[55] Sheridan swiftly arranged for an interview with him and equally swiftly appointed him as a part-time lecturer, plunging him straight-away into the teaching of Malay customary law![56] On leaving the RAF a year later, Brown was appointed an Assistant Lecturer and (subsequently) a lecturer before leaving the local law faculty in 1962.[57] One account by

[49] See *ibid*.

[50] See *ibid*. For a list of part-time lecturers and tutors as at 4 October 1961: see *ibid*, at xciv-xcv.

[51] See *Tribute, supra,* note 5, at 4.

[52] See *ibid,* at 5.

[53] Who has taught at the University of Auckland, New Zealand, for a great many years, and only recently retired. In 1995, he received the University's Distinguished Teacher Award and was honoured at a Bar Dinner given to him jointly by the Auckland District Law Society and the Criminal Bar Association: the first time that any Auckland law teacher had been so honoured: see "'It Was a Very Good Year ...' – Bernard Brown Honoured by Profession", (1995-96) Eden Crescent 5 (this publication is the Auckland University Faculty of Law Annual).

[54] The Royal Air Force.

[55] See *Brown, supra*, note 3.

[56] See *ibid*. See also Sheridan, *infra,* note 112.

[57] He was with the Faculty from 7 October 1959 to 1 March 1962: see Jayakumar, *supra*, note 42, at 33.

Brown of his many encounters with Sheridan is particularly interesting, and merits recounting at least in a note.[58]

Sheridan recruited from far and wide. One appointment was that of WED Davies, whom Sheridan recruited from the University of the Sudan.[59] Another appointment was that of Harry Calvert, whom Brown recalls meeting on their first day at the University of Leeds and whom Sheridan recruited from the University of Tasmania in Australia.[60] Calvert only taught for less than a year[61] before returning to the United Kingdom,[62] but, in Brown's words, Calvert "made a distinctive and exciting mark".[63] This observation appears to be confirmed by the present writer's own (admittedly cursory and inexpert) review of Calvert's local writings.[64] Yet another appointment – and one

[58] See *Tribute, supra*, note 5, at 5, as follows:

> When the Law Faculty was very young and I was due to conduct my first tutorial, monsoonal floods had left the University marooned on its hill. I remember swimming to that tutorial across the playing field while holding my notes above the water. I would not have done that for any one except Lee Sheridan. He was, and has remained, an inspired motivator. On my damp arrival at the Faculty he, quite dry, greeted me with a smile. He had, I thought, either been parachuted in, or, more likely, had walked upon the waters. The Sheridan mystique had taken hold on me. When I faced his initial group of students, there was no doubt that he had affected them in much the same way.

The present writer can attest to the scenario Brown accurately describes, for he lived, for many years, opposite the very playing fields described. The University campus was then at Bukit Timah, notorious for its flooding, particularly during monsoonal periods.

[59] See *Brown, supra*, note 3. He served from 16 March 1958 to 1 February 1961: see Jayakumar, *supra*, note 42, at 33.

[60] See *ibid*.

[61] From 29 May 1959 to 1 January 1960: see Jayakumar, *supra*, note 42, at 33.

[62] And who went on to teach both at Queen's University, Belfast and later in Wales: see *Brown, supra*, note 3.

[63] See *ibid*. See also *supra*, note 44, at 24 (no author given, but probably written by Bernard Brown, particularly since he refers to their *alma mater*, the University of Leeds, in the course of this brief appreciation: see *supra*, note 3):

> Little need be said of Harry's time with us at the University of Malaya – except that it was too short. All who knew him here were impressed with his intolerance of dishonesty in any form and his highly developed critical faculty with its allied facility for devastating all the best-laid non-sequiturs of mice, men and mooters. Anyone who had cause to solicit Harry Calvert for advice in his home, his office or the canteen will testify to his sincerity and patience in giving it. His teaching was aggressive and demanded from students no less than from himself – complete application and a flexible approach to the subject.

[64] One, dealing with the problems of language in a multi-ethnic and multi-cultural context, is particularly perceptive and (in the present writer's view) more than stands the test of time (here, measured in decades): see Harry Calvert, "Constructive Notice and Illiteracy in Singapore and Malaya" [1959] MLJ lxv. See also his contributions to *Singapore and Malaya – The Borneo Territories, infra*, note 196, where Calvert contributed four excellent

that would also see a collaborative writing relationship[65] – was that of Professor Harry E Groves, who is American.[66] Professor Groves visited Singapore between 1960 and 1964 as Asia Foundation Visiting Professor of Constitutional Law;[67] he also subsequently became Dean of the local law faculty[68] and (on his return to the United States) became Harry Brandeis Professor of Law at the University of North Carolina and is only fairly recently retired.

One of Sheridan's appointments is, in fact, the local law faculty's first Professor Emeritus. Dr Peter Ellinger joined the faculty in April 1961, left in May 1966,[69] and then went on to distinguish himself in both New Zealand and Australia (where he was Sir John Barry Professor of Law at Monash University), before returning to the local law faculty in 1982 (as a visiting professor) and then on a permanent basis from 1986; he became Professor Emeritus in 1998. Another appointment in roughly the same period was that of Mr LW Athulathmudali, of Sri Lankan nationality:[70] he "was a naturally brilliant lecturer who later returned to Colombo and was drawn into his first love – politics".[71] He left a deep impact on Sri Lankan politics but was tragically assassinated. Dr George E Glos, "a specialist 'law of nations' scholar, taught for a two-year period during which he wrote his book on rivers in international law".[72] Another significant appointment was that of Professor LC Green, whose specialization was in international law, and who served briefly as Dean.[73]

One other appointment needs to be mentioned: that of Professor GW Bartholomew, who may justifiably be regarded as the doyen of Singapore

chapters, *viz*, "Criminal Law and Procedure" (Ch 8); "Tort" (Ch 11); "Contract" (Ch 12); and "Commercial Law" (Ch 15).

65 See generally the next Part of this essay.

66 Professor Groves has recounted the very warm reception he received from both Sheridan, his wife and several of the staff on his arrival in Singapore, despite (as he puts it) being overdressed by tropical standards: see *Tribute, supra*, note 5, at 5.

67 From July 1960 to July 1964: see Jayakumar, *supra*, note 42, at 33.

68 From October 1963 to September 1964.

69 See Jayakumar, *supra*, note 42, at 33.

70 Who was with the Faculty from July 1960 to June 1964: see Jayakumar, *supra*, note 42, at 33.

71 See *Brown, supra*, note 3.

72 See personal communication to the author from Bernard Brown (received on 15 March 1999 in the form of comments on a draft; hereafter *Brown 2*). See also Sheridan, *supra*, note 46, at xciii and Jayakumar, *supra*, note 42, at 33.

73 Professor Green was on the Faculty from 10 December 1960 to 1 September 1965: see Jayakumar, *supra*, note 42, at 33. He served as Dean from October 1964 to July 1965.

legal history; he was also an extremely gifted and popular teacher.[74] He had two substantial stints in Singapore,[75] serving as Dean in the second.[76] Australia was Professor Bartholomew's 'second academic home', so to speak (originally from London, he had moved to the University of Tasmania, before coming to Singapore via the University of Khartoum, and was later to serve as Foundation Dean at the University of Technology in Sydney, New South Wales). It was Professor Bartholomew who first popularized the apparently esoteric sounding term "autochthonous"; he argued vigorously for an autochthonous Singapore legal system which, put simply, would be an indigenous legal system more truly reflecting the culture, mores and aspirations of its local inhabitants.[77] Subsequent academics, such as the present writer, have sought to develop that aspiration in an incipient fashion,[78] and it is hoped that much more will be done to bring that vision to fruition in the not too distant future.

Perhaps even more significant were Sheridan's 'truly local' appointments, *ie*, appointments from graduates of the very Faculty he had founded. The appointments from the very first batch of graduates were outstanding. The first was that of Dr Thio Su Mien, who was later to become Dean and who is presently a leading local practitioner.[79] There followed Professor Tommy Koh who also subsequently became Dean of the Faculty, and who has been a stalwart in serving Singapore on the diplomatic front in various

[74] See *eg*, the address of the then President of the Law Society of the University of Singapore, Mr S Jayakumar (and presently Minister of Law), *Farewell, supra,* note 3, at viii:

> Mr Geoffrey Wilson Bartholomew in a short space of about three years established himself as one of the most versatile and popular lecturers in the University, and immediately won the hearts of everyone in the University.

[75] From 20 May 1960 to 28 July 1963 and January 1966 to November 1976: see Jayakumar, *supra*, note 42, at 33 and 34, respectively.

A Londoner, Bartholomew had served during the Second World War and had commenced his academic career as an Assistant Lecturer at the School of Oriental and African Studies at London University (see *Brown 2, supra*, note 72); he later joined the University of Tasmania, then the University of Khartoum before coming to Singapore. See also generally, "In Conversation: Prof GW Bartholomew" (1985) 6 Sing LR 56.

[76] From February 1966 to November 1968.

[77] See generally *eg* (amongst his many stimulating works), GW Bartholomew, "The Singapore Legal System" in *Singapore: Society in Transition* (Ed Riaz Hassan, 1976) at 84-112, esp at 97-109.

[78] See *eg*, Andrew Phang, *The Development of Singapore Law – Historical and Sociolegal Perspectives* (1990).

[79] Dr Thio was on the staff of the Faculty from May 1961 to February 1971: see Jayakumar, *supra*, note 42, at 33. She served as Dean from December 1968 to April 1971.

crucial capacities over the last three decades.[80] Professor Koh Kheng Lian was to join a year later[81] and established herself as a leading expert in criminal law, international law and (of late) the burgeoning field of environmental law.[82]

This very cursory survey of the academic staff in the early days of the local law faculty is, it is suggested, extremely instructive. The sheer quantity and quality of the scholars recruited by Sheridan is (despite Sheridan's own humility)[83] truly astounding. Sheridan's efforts are all the more commendable as at the very birth of the local law department (as it was then known), the majority of the academic staff had to be recruited from abroad. It is true that there were local practitioners and that they did (as we have seen) volunteer their not inconsiderable services. However, the local Bar was itself relatively small since the route to professional legal qualifications was difficult, not least in the raising of the requisite finance for the trip to study in England itself. And, in any event, there was (to the best of the present writer's knowledge at least) no local practitioner who had had a substantial amount of teaching experience at that particular point in time. This necessity for recruitment from abroad could, it is suggested, have led to one of two scenarios: both at least equally undesirable, with a distinct possibility of a combination of the two, thus resulting in the worst of two possible worlds.

The first was to take the line of least resistance and to appoint academic staff from England itself. However, this would have resulted in a uniformity that would (at best) have been neutral in the jump-starting, as it were, of a fledgling law department; worse, it could have even stifled the initial impetus required to lift that department off the ground, so to speak.

The second was to appoint just anyone and everyone who applied for an academic appointment. And there would, it is suggested, have been a great many from overseas, who would view an appointment at the local law department as a brief sojourn: a period of relative personal exploration and enjoyment; writing in the context of an advertisement for lecturers (that

[80] Professor Koh joined the Faculty in May 1962 (see Jayakumar, *supra*, note 42, at 33), but has been seconded to serve on the diplomatic front for a great many years now, as just noted. He was Dean from March 1971 to June 1974.

[81] In May 1963: see Jayakumar, *ibid*.

[82] Indeed, Professor Koh currently heads the Asia Pacific Centre of Environmental Law (APCEL), which is based at the Faculty.

[83] During our interview (on 10 May 1999), he was at pains to make it very clear that I should not give the impression that he had the power to make appointments; in his words, "While the head of the relevant department may be expected to be a particularly influential member, the appointments were deliberated upon by a committee of the Senate and Council." He did concede, however, that it was the head of department who initiated the entire process in the first instance.

important, but indispensable middle-tier of academic staff),[84] Sheridan himself recognised the fact that "there were plenty of eligible applicants from overseas".[85] Indeed, such a danger is inherent within the more general context of colonialism. Without adopting a radically simplistic and reductionist approach (by viewing a callous and selfish foreigner behind every local bush), one can nevertheless reasonably conclude that unless the Dean made his appointments carefully and wisely, the danger of assembling a motley crew of uninterested academics was a very real one indeed. And the desire for achieving an ideal does not necesssarily result, in the real world, in an achievement of that ideal. In other words, the mere desire for wisdom and care would be no substitute if the incumbent Dean did not possess the necessary powers of discernment and courage. So, fulfilment of the first condition (not appointing only from England) had to be accompanied by a concomitant fulfilment of the second, *viz*, an appointment of quality staff: and this, as already mentioned, required a discerning mind, replete with care and wisdom.

Looked at in this light, Lee Sheridan's appointments are all the more amazing. It is true that not every appointment was dazzlingly successful, although it must be stated that the present writer did not have sufficient information on the subsequent careers of a great many other staff members,[86] and that (consequently) many of *these* academics might well have proceeded to distinguish themselves in as (if not more) impressive a fashion as those staff members briefly mentioned above. On the evidence available, however, the conclusion is nevertheless irresistible: Sheridan was not only bold, enterprising and innovative in his academic appointments; he was also a shrewd judge of quality in, perhaps, the most difficult of situations, *viz*, that of the assessment of *potential*. With the benefit of hindsight, we are, it is suggested, more than justified in concluding that Sheridan acquitted himself magnificently. Professor Hickling (no stranger himself to legal education and legal practice) summarises Sheridan's achievements well in these words:

[84] And see *supra*, note 39.

[85] See Sheridan, *supra*, note 38, at 22.

[86] These would include Theodore B Lee, V Kumar, SP Khertarpal, J Minattur, B McKillop, DC Jackson, and Hla Aung; for a full listing of staff members appointed during (and beyond) the tenure of Sheridan's stay at the local law faculty (as well as the number of years they taught at the faculty itself), see Jayakumar, *supra*, note 42, at 33-34.

> One of his [Sheridan's] great achievements (he has a gift for founding law schools)[87] is, I believe, to have laid down standards of excellence in legal education. As I now know, this is no easy task, for the world of academic law has a fair share of the bogus, the incompetent and the poodlefaker. Lee Sheridan built up in Singapore a brilliant team of law teachers, some of them (such as Professor Bartholomew) of outstanding originality;[88] and their influence now runs as a tradition through the present Law Faculty, woven (if I remember my Pericles correctly) into the stuff of other men's lives.[89]

As a not altogether irrelevant aside, it may be also noted that Sheridan managed to assemble an array of truly outstanding talents as *external examiners*.[90] There was Professor LCB Gower, then Sir Ernest Cassel Professor of Commercial Law in the University of London, and one of the world's leading experts on company law; he subsequently became, *inter alia*, Law Commissioner as well as Vice-Chancellor of Southampton University.[91] There was also Professor DP Derham, who was then Professor of Jurisprudence at the University of Melbourne, and who subsequently became Foundation Professor and Sir Owen Dixon Professor of Law at Monash University, before becoming Vice-Chancellor of Melbourne University.[92] On the local front, there was Mr AV Winslow, then Solicitor General of Singapore, and who was subsequently appointed to the Supreme Court Bench,[93] as well as Mr JSH Skrine, a leading Malayan practitioner.

C. *Building the Student Body*

So much by way of appointment of *academic staff*, what, then, about that other indispensable component, without which a law department or faculty cannot even be birthed, *viz*, the *student body*? Given the hitherto absence of any local route of qualifying to practise law, one would have thought that Sheridan and his staff would have had no problems whatsoever in obtaining a full complement of eager law students. However, this was not the case. In the early years of the local law faculty, the *overall* quality

87 See also *supra*, note 9.
88 See also the main text accompanying *supra*, notes 74-78.
89 See *Tribute, supra*, note 5, at 3-4.
90 I owe this point to Bernard Brown: see *Brown 2, supra*, note 72. See also Sheridan, *supra*, note 46, at xciii.
91 See generally (1998) 61 MLR 127.
92 See generally (1985) 59 ALJ 689 and (1986) 12 Monash Univ Law Rev 1.
93 See generally (1978) 20 Mal LR 1 and (1985) 6 Sing LR 51.

of the student body was far from encouraging, and this was evidenced, in part at least, by the extremely low points that one required from the then Higher School Certificate examinations[94] in order to qualify for a place at the local law school. It is important, however, to stress that the point made here is with respect to the *overall* quality, and *not* with respect to *individual* students, many of whom were outstanding. Indeed, and looking to only the first batch of law graduates who graduated in 1961, we find, among their ranks, the present Attorney-General,[95] a Judicial Commissioner,[96] former Deans,[97] a Professor at the faculty itself,[98] and several other extremely successful practitioners (who are too numerous to mention[99]).[100]

What appeared to the present writer to be particularly striking were Sheridan's constant attempts to involve *every* strata of society in constituting the student body of the local law school. In a joint article,[101] it was observed (very perceptively, it is suggested) thus:

> It ought also to be an objective, so far as possible, to ensure that those who study law do not come from any particular section of the community. The existence of a local law school does already enhance the prospect of studying law for those who are not so wealthy. On the other hand, the fact that legal education must be in English means that there is a severe handicap for those not educated in English language schools. This could be overcome by training such people in English intensively over a comparatively short period. However, the difficulty is increased by a seeming non-law mindedness on the part of those who have had their secondary education in Chinese. *This may be due to a cultural suspicion of law as an instrument of unscrupulous power, whereas the cultural view of the English educated is of law as the technicalities of securing justice*.[102]

[94] Presently known as the General Certificate of Education A Level examinations. See also *supra*, note 15.

[95] And former Judicial Commissioner, then Judge, of the Supreme Court of Singapore, Mr Chan Sek Keong.

[96] Judicial Commissioner Amarjeet Singh, who was, prior to his appointment, a leading member of the Bar.

[97] Dr Thio Su Mien and Professor Tommy Koh; and see *supra*, notes 79 and 80, respectively.

[98] Professor Koh Kheng Lian; and see *supra*, notes 81 and 82.

[99] These include Mr TPB Menon, amongst others.

[100] And see, in similar vein, Jayakumar, *supra*, note 42, at 9.

[101] See HG Calvert, P Coomaraswamy and LA Sheridan, "Legal Education in Malaya" (1960) 5 JSPTL (NS) 155.

[102] See *ibid,* at 157-158 (emphasis added). This was, admittedly, a joint article, but Sheridan must surely have endorsed (even if he did not personally pen) these views, being Dean

The italicised words are in fact of no mean significance, and may be yet another explanation for the rather poor overall response by potential students to a legal education as recounted above. Of equal importance, however, is the acknowledgment of the realities of the common law and the need to encourage students from all types of social and economic backgrounds to enrol in the local law school. And these were not mere pious hopes; in the same article, this was recorded:

> The Law Department has attempted to overcome this linguistic and cultural barrier [see the preceding quotation] to some extent by making explanatory visits to non-English language as well as to English language schools, and by introducing a pre-law school year of training in English language, social history, and philosophy for the non-English educated with a view to fitting them to be university law students.[103]

Sheridan also observed thus:

> It is true that, no matter what the language or languages of instruction in the University of Singapore may become, a good command of English will remain essential for law students so long as the legal system of Singapore remains a common law system. It does not follow that every novice embarking upon first-year LLB courses must command the English of an English gentleman. What are required are a basic grounding and capacity for improvement.[104]

At this juncture, something of much broader and significant import needs to be noted: Sheridan was clearly a man who believed in equality in its fullest sense. The typical sceptical caricature of a colonial elite is characterised (often heavily) by feelings of ethnic and other forms of superiority. Sheridan exhibited qualities that were the very antithesis of this. He set out to bring the law and (in particular) legal studies to everyone,[105] regardless of race, language or religion – and, one might add, economic status. This was not an attitude and approach that was inevitable; nor was there, it is suggested, a need for Sheridan to go out of his way, as it were, to ensure that such equality was achieved.

and thus in overall charge of the whole direction and content of legal education in the local law school. See also, by the same writers, "Problems of Legal Education" (1960) 2 (2) Me Judice 11 at 16.

[103] See Calvert, Coomaraswamy and Sheridan, *supra*, note 101, at 158.

[104] See Sheridan, *supra*, note 46, at lxxxvii.

[105] See also *infra*, notes 181-188.

The local law faculty has come a long way since those initial, rather difficult, days. Indeed, even as far back as 1977, the then Dean, Professor S Jayakumar,[106] observed that the law faculty required the second highest 'cut-off' points calculated with respect to grades obtained in the GCE A Level examinations,[107] next only to Medicine, a perennial 'first favourite'. The popularity has been maintained ever since. And all this is due, in no small part, to the forward-looking and prodigious efforts of the first Dean, Lee Sheridan.

D. *Of a Viable Syllabus, Teaching Methods, and Examinations*

Sheridan also set out to devise a viable syllabus for the Department. He studied a myriad of systems and finally decided that "the Australian was the closest model".[108] Indeed, by 1960, Sheridan was able to observe that "[s]uccess has been achieved in introducing a syllabus adapted to Malayan needs".[109] Bernard Brown records Sheridan's efforts at developing as well as encouraging the teaching of courses that were not only relevant to the local circumstances but which were simultaneously empowering to the students themselves:

> Unlike some of his contemporaries in other countries still then coloured colonial red in the 1950's atlas, Lee Sheridan insisted that courses relevant to the particular place and its peoples should be taught. "Legal History" would be the history of English Law only so far as it had directly affected Malaya and Singapore. Local customary law would certainly be taught – even if the teacher was a very damp Englishman![110] Sheridan, typically, led the way with his own teaching and his definitive works on the Constitutions of Malaya and Malaysia and Malayan Land

[106] Presently Minister for Law as well as Foreign Affairs.

[107] See generally Jayakumar, *supra*, note 42, at 8-9 and the main text accompanying notes 94-100, *supra*.

[108] See LA Sheridan, "Development of University Law Teaching in Malaya" (1958) 1(1) Me Judice 3 at 3. He proceeded to observe thus (*ibid*):

> As it turned out, the proposed qualification to practise, consisting of a four-year LLB, followed by one year's articled clerkship, was exactly that of the state of Victoria.

The detailed route to qualification has remained (with some modifications) basically the same: see generally Tan Yock Lin, *The Law of Advocates and Solicitors in Singapore and West Malaysia* (2nd ed, 1998) at Ch 2.

[109] See Sheridan, *supra*, note 108, at 3.

[110] For the context of this reference, see Brown's account at *supra*, note 58.

> Law.[111] And no one was to give greater encouragement to Singaporean and Malaysian graduates to teach the law in their own countries.[112]

Sheridan himself put it well when he observed that:

> A *comparative* study of other systems of law is recognized as important. In fact, Malaya is a microcosm of comparative law in itself, containing, as it does, a structure of personal laws based on religious and racial groupings for Muslims, Hindus, Chinese and so on. It has always been intended, too, that *legal philosophy* should be *interwoven* with *study of positive law*, and the *same* goes for *legal sociology with* an eye on law *as a policy science*. Nor has it ever been forgotten that there is a *practical side* to the law.[113]

I shall have occasion to return to this thoroughly insightful view of legal education below,[114] but it will suffice for the present to merely observe that Sheridan's ideal of legal education was nothing short of holistic and, as I hope to demonstrate below,[115] ought still to be the ideal for legal education today.

Sheridan was himself a gifted teacher who, as Brown points out, "was much appreciated by his students for his warmth and his rigour".[116] It has also been observed that "in spite of his [Sheridan's] responsibilities and

[111] *Cf* also Bartholomew, *infra*, note 134.

[112] See *Tribute, supra*, note 5, at 3. See also *per* Sheridan himself, where he observed (in "Legal Education in Malaya", *supra*, note 38, at 25) thus:

> The unreality of forcing Roman law down the throats of the multi-lingual Chinese, Indians and Malays of South-East Asia (whose linguistic accomplishments are usually more practical than classical), whose culture could only be said to have such tenuous connection with Roman civilization as may be the result of rubbing shoulders with members of the oversea civil service and British merchants, cannot fail to be noticeable.

Again, Sheridan was to observe thus (see *supra*, note 34, at 10 (emphasis added)):

> There was too much to do to do it well quickly, but *at least right from the start* the use of English textbooks was *offset* by *teaching that concentrated on the local case-law and statutes. For many of us, there was the pleasure of discovery.*

Of particular interest to the present writer was Sheridan's discussion of *Thomas Cowan & Co Ltd* v *Orme* [1960] MLJ 41 (relating to restraint of trade): see Sheridan, *supra*, note 46, at lxxxix (as well as, by the same author, *infra*, note 157, at 6-7); and see my own discussion of the decision in Andrew Phang, *Cheshire, Fifoot and Furmston's Law of Contract – Second Singapore and Malaysian Edition* (1998) at 721-722.

[113] See Sheridan, *supra*, note 38, at 19 (emphasis added). See also Calvert, Coomaraswamy and Sheridan, *supra*, note 102, at 15.

[114] See *infra*, the Sub-Section in Part II, entitled "Legal Education".

[115] See the preceding note.

[116] See *Brown, supra*, note 3.

duties, he has always found time to meet and talk to students, and the interest he has shown in the welfare of students has won him much popularity, not only with law students but with other students as well. Indeed I believe he is the only staff member who has turned up regularly at nearly every Athletic meet organised by students in this University."[117] It needs to be noted, however, that Sheridan did not brook laziness and this is probably what Brown meant by his (Sheridan's) "rigour"; indeed, a former student and Dean, Dr Thio Su Mien, recollects Sheridan's "piercing unwavering and prolonged stare" which befell students "when they were unable to answer questions put to them".[118]

Sheridan was also "one of the first law teachers outside of the USA to introduce the case-method (the "Socratic' Method) to students".[119] Indeed, Dr Thio gives us an interesting insight into the innovative manner in which Sheridan *assessed* students as well:

> Some courses had open examinations and students were given the licence to bring in wheelbarrows of books to the examination hall if they wished to be so handicapped. A 48-hour open examination assignment was also introduced in the final year examination and students involved were accordingly invited to dinner at the Dean's house in the evenings during the 48 working hours! Beware the student who failed to eat the Dean's dinner.[120]

Indeed, Sheridan himself once had occasion to observe, in no uncertain terms, that "examinations should test ability to argue from available legal materials and not the ability to remember what materials are available. This means examinations in the library."[121]

It should be mentioned that insofar as open-book as well as take-home examinations, in particular, are concerned, Sheridan was decades ahead of

[117] See Jayakumar, *Farewell*, *supra*, note 3, at viii.

[118] See *Tribute*, *supra*, note 5, at 6.

[119] See *ibid* as well as Sheridan, *supra*, note 46, at xc. See also Calvert, Coomaraswamy and Sheridan, *supra*, note 101, at 156 ("Different styles of teaching, even within the same law school, are not necessarily to be deplored and may indeed enhance the value of the education the school can provide") and, by the same authors, *supra*, note 102, at 15.

[120] See *Tribute*, *supra*, note 5, at 3. Very interestingly, Sheridan observed (in a personal interview with the author dated 10 May 1999) that the 48-hour open book examination did not work out quite as he had expected and in that sense was not an unqualified success: it took too long and the stronger students utilised part of their time to help the weaker students, there then being no rule against this!

[121] See Sheridan, *supra*, note 46, at xc.

his time. Open-book examinations at the Faculty are only a recent phenomenon and, to the best of the present writer's knowledge, 48-hour take-home examinations have not been implemented. All this is of course not new in the American context, although the Dean's dinner provisions are certainly unique in the annals of legal education anywhere!

Also enlightening is Sheridan's endorsement (in the sixties) of the principle of continuous assessment, which is presently heralded as a very forward-looking one.[122]

And, as we shall see, Sheridan's vision of a law school went beyond mere doctrinal teaching; in Bernard Brown's words:

> Law for him [*ie*, Sheridan] was no brooding omnipresence in the sky. However technical its rules (and those he dealt with in land law and equity were complex), he never lost sight of the persons those laws were supposed to service and the policies that fashioned and continued to shape the laws.[123]

E. *Establishing the Law Library*

Turning to the establishment of an adequate law library, an obvious yet highly significant point must be made at the outset: the law library is one of the principal engine rooms of any and every law school. The library is, to put it another way, the 'laboratory' of the law lecturer and student and, for that matter, of the practitioner and judge as well. This is particularly the case with respect to the common law, where precedent plays such an pivotal role, infusing every aspect of law, whether in theory or in practice. Without an adequate law library, both legal education as well as legal practice become an exercise in guesswork at best, a farce at worst.

Sheridan was naturally well-aware of the imperative need for a good law library and he also set about this task with much vigour and enthusiasm; indeed, he once remarked, quite correctly and consistently with the views enunciated in the preceding paragraph, that the law library provided law students "with the wherewithal to read their subject".[124] Sheridan was able (as early as 1957, only a very short time after the formation of the local law department) to give the following positive report, which (because of its illustration of both the triumphs and the very real problems involved) merits extensive quotation:

[122] See Sheridan, *infra*, note 157, at 13.
[123] See *Brown*, *supra*, note 3.
[124] See Sheridan, *infra*, note 156, at 97.

> The library looks as though it is going to be all that could be expected. We have already equipped ourselves with practically all the English law reports and legislation. We have started collecting Irish law reports and aim at completeness there in the near future. Standard sets of law reports and legislation from all other Commonwealth Jurisdictions are to follow. Some of the governments of these countries are generously assisting us to acquire their legal materials. We have had help from American foundations and universities, and from universities elsewhere.[125] But when all is said and done, we shall have to buy most things ourselves. We subscribe to or exchange for all the current English and Irish periodicals, and we are getting back-numbers where they are obtainable. We have almost a complete library of Malayan law though lacking some of the more ancient reports. "Ancient" in this context means pre-war, but especially nineteenth century. With help from local lawyers, the Singapore government printer, and generally rummaging around, we have obtained quite a lot of this stuff. But many law libraries disintegrated or disappeared during the ravages of the Japanese occupation, and even law firms have experienced difficulty in re-equipping. There is not much left for us. We have started subscriptions to American, Australian and Canadian periodicals, and we should have a complete library of Commonwealth legal periodicals, and an extensive

[125] See also Sheridan, *supra*, note 108, at 4:

> The university has been handsomely assisted in acquiring American materials by the Asia foundation, and has also received gifts from the Harvard Law School Library, the United States Information Service, and other donors from America. Its gratitude is also due to the Ceylonese and Canadian governments for gifts of materials from both countries under the Colombo Plan. Gifts of works connected with Malayan law have been kindly presented by the Government Printer and by Messrs Drew & Napier.

More recently, Sheridan has observed thus (see Sheridan, *supra*, note 34, at 9):

> Anyone sitting now in one of the most versatile of university law libraries might be surprised to be told that there was a time when no one knew where the most basic books were to come from. In fact, the foundation of a respectable law library became assured when a personal approach to Mr Lim Yew Hock, then Chief Minister of Singapore, resulted in the good offices of himself and Tengku Abdul Rahman in the matter of a special grant from the two governments. Some things came about by prolonged application, some by luck and some, of course, by a combination of the two. That the law school and its library went far beyond the merely respectable was in considerable measure due to help from the Asia Foundation and the Ford Foundation. If the federal Minister addressing the assembly brought together to witness the inauguration of the present University of Malaya had been on the programme to speak in English instead of Malay, and if there had not (*sic*) a revolution in Burma, I should not have encountered the regional representative of the Ford Foundation by climbing on the stool next to his in the bar of the Merlin Hotel in Kuala Lumpur. The ways of luck are mysterious.

> selection from America, within the next few months. Textbooks are being bought as the subjects are introduced.[126]

Just a cursory survey of the magnificent resources on the shelves of the law library would reveal that its foundation and core were in fact laid at almost the incipient years of the faculty itself. Without that initial bedrock, the law library would almost certainly have not become what it is today: the best common law library in South East Asia and, arguably, the Asia Pacific, with more recent acquisitions focusing on the other main spheres of international and comparative law as well.[127]

F. *Initiating and Developing Legal Research*

Finally, a brief look at Sheridan's involvement in another major and indispensable component of any law school – legal research. In this sphere, as in others, Sheridan eschewed any illusions and faced the task squarely in the face, so to speak. For instance, he bluntly observed thus, as he assessed the state of research at the commencement of his tenure as Dean:

> Malayan law is starving for lack of publications. There are few text-books, those which exist are all out of date, and with one exception they each cover only a small amount of specialized technical ground. There is no legal periodical. The *Malayan Law Journal* is ninety per cent law reports.[128]

These views were echoed in another (joint) piece, as follows:

> Locally published legal scholarship has been very scanty. Juristic as opposed to judicial analytical and critical work on the law of Malaya has been spasmodic, and almost all now very much out of date. Most of whatever has been done was by way of collation and annotation in very limited fields for use as practitioners' text-books. There has been no literature which could begin to claim to be a stream of Malayan legal scholarship. There has been no systematic or unsystematic analysis or criticism of local law. Still less has attention been paid to local social needs in the framing of legislation.[129]

[126] See Sheridan, *supra*, note 38, at 23.
[127] See also Bartholomew, *supra*, note 5.
[128] See Sheridan, *supra*, note 38, at 22.
[129] See Calvert, Coomaraswamy and Sheridan, *supra*, note 101, at 158.

Sheridan set about, as with every other problem, to remedy this: putting his very own hand to the plough, so to speak. Writing in 1984, Professor GW Bartholomew succinctly summarised Sheridan's efforts thus:

> There being few books of local relevance, he set to work to write them. His *Malaya and Singapore*, *The Borneo Territories, The Development of the Laws and Constitutions*[130] was published within only a few years of his appointment, and remains to this day the only comprehensive treatment of the laws of the region. The Federation of Malaya Constitution[131] was pioneering commentary on the constitution of the Federation of Malaya which, now in its third edition[132] remains the only full scale treatment of what is now the Constitution of Malaysia.
>
> Seeking a vehicle to disseminate legal information he founded the *University of Malaya Law Review* (now the *Malaya Law Review*) which has just celebrated its own silver jubilee[133] and which has established itself as one of the recognised university law reviews in the common law world.[134]

By 1960, Sheridan could observe that the *Review* had gotten "off to a flying start to supplement the painstaking work that has been done by the Malayan Law Journal for the last three decades".[135] He proceeded to express the following hope:

> We can look forward to the day when our *senior students* participate more and more in contributing to the review.[136]

[130] Former Dean Professor S Jayakumar described this book as "the pioneer work" providing an overview of Singapore law: see Jayakumar, *supra*, note 42, at 24. And see *infra*, note 196.

[131] And see *infra*, note 196.

[132] At the time Professor Bartholomew was writing: see, now, the fourth edition: *infra*, note 348.

[133] Which was marked by the publication of a collection of essays: see *The Common Law in Singapore and Malaysia* (Ed AJ Harding, 1985).

[134] See *Tribute, supra*, note 5, at 2-3. Sheridan, quite characteristically, was quick to point out that the initiative for the setting up of the *Review* in fact came from WED Davies (see *supra*, note 59): personal interview by the author with Professor Sheridan dated 10 May 1999.

[135] See LA Sheridan, "Foreword" in (1960) 2 Me Judice 3 at 3.

[136] See *ibid* (emphasis added).

He had also expressed the conviction that, once begun, the *Review* "can be made to become important all over the world".[137] This conviction was all the more commendable in the light of the fact that the first issue of the *Review* had not (at that particular point in time) actually been produced yet.

In 1961, Sheridan was able to state that "[p]robably the proudest achievement of all is the academic and commercial success of the University of Malaya Law Review".[138]

By 1985, when the *Review* reached its silver jubilee, Sheridan in a review of the book of essays celebrating this occasion,[139] was able (with some satisfaction) to note thus:

> The legal literature of Singapore and Malaysia has already grown respectably in the last 25 years since the *Malaya Law Review* was born. This volume stands as an important contribution to that literature in its own right. The *Review* gives us every reason to look forward to achievements in the next 25 years and a golden jubilee volume of high quality.[140]

The status of the *Review* (now renamed the *Singapore Journal of Legal Studies*) has, in fact, been even further enhanced, with articles published in it being cited in the Australian High Court,[141] the Canadian Supreme Court,[142] and the House of Lords.[143] These are, of course, the highest appellate courts in Australia, Canada and England, respectively – and Sheridan can surely be more than justifiably proud of these achievements. And all this is in addition to the citations of articles in both Singapore as well as Malaysian courts – too numerous to enumerate here.

[137] See Sheridan, *supra*, note 38, at 22.

[138] See Sheridan, *supra*, note 46, at lxxxv.

[139] See *supra*, note 133.

[140] See LA Sheridan, *Book Review*, (1986) 35 ICLQ 490. It might be noted, as a not altogether irrelevant aside, that Sheridan's reviews were always a pleasure to read: see also *eg*, his review of Professor RH Hickling's *Malaysian Law* (1987): see LA Sheridan, *Book Review*, (1988) 37 ICLQ 766.

[141] See *eg*, Michael Hor, "The Privilege Against Self-Incrimination and Fairness to the Accused" [1993] SJLS 35 (cited in *Environment Protection Authority* v *Caltex Refinery Co Pty Limited* (1993) 178 CLR 477 at 532) and Margaret Fordham, "Breach of Statutory Duty – A Diminishing Tort" [1996] SJLS 362 (cited in *Northern Sandblasting Pty Ltd* v *Harris* (1997) 71 ALJR 1428 at 1480).

[142] See *eg*, Hor, *supra*, note 141 (cited in *R* v *P* [1994] 1 SCR 555 at 577; *R* v *Jones* [1994] 2 SCR 229 at 251; and *R* v *S* [1995] 1 SCR 451 at 512).

[143] See Tan Keng Feng, "Nervous Shock to Primary Victims" [1995] SJLS 649 (cited in *Frost* v *Chief Constable of Yorkshire Police* [1998] 3 WLR 1509 at 1523).

Sheridan also facilitated the production of *primary* materials as well. That great doyen of law publishing as well as law reporting,[144] and the founder of the *Malayan Law Journal*, the late Bashir A Mallal,[145] in his "Preface" to the second volume of hitherto unreported cases in *Malayan Cases*,[146] had this to say:

> We owe a deep debt of gratitude to Professor LA Sheridan, Head of the Law Department, University of Malaya, for the encouragement given and help extended to us in the preparation of this volume. He felt, as we did, that these decisions should be recorded and made available to all those who assist in the administration of justice.[147]

Sheridan himself wrote the "Foreword", wherein he emphasised that "[a]s with the academic study of law, so with its practice is the accessibility of cases a fundamental prerequisite";[148] he then proceeded to observe that "[l]aw reports are the raw material of future adjudication, and the person who places the precedents before the profession is a public servant of the first importance, even if this is not publicly realised".[149]

It is worthwhile noting, at this juncture, that Sheridan and Mallal had struck up a close relationship right from the outset; as Sheridan himself recollects:

> Another piece of good fortune was that Dr BA Mallal of the Malayan Law Journal took as lovingly to my family as we all did to him. He was a great man, a key figure in Malayan legal literature and a great supporter of the Faculty of Law. His personal friendship was a joy.[150]

[144] And see Mallal's own seminal article entitled "Law and Law Reporting in Malaya" (1959) 1 Univ Malaya Law Rev 71.

[145] And see generally Mirza Khaleel Namazie and Lee Yean Yean, "A Tribute to Dr Bashir Ahmad Mallal" (1992) 13 Sing LR 156; GW Bartholomew, "Preface" to *Malaya Law Review Legal Essays – in memoriam, Bashir Ahmad Mallal, LLD* (Ed GW Bartholomew, 1975) at xi-xii; Stephen TH Goh, "Dr Bashir Ahmad Mallal, 1898-1972: An Obituary and A Personal Reminiscence" (1973) 6(1) INSAF 5; and "Dr Bashir Ahmad Mallal" [1972] 2 MLJ xix.

[146] See Bashir A Mallal, *Malayan Cases – Being a Collection of Important Cases hitherto unreported*, Vol II (1958).

[147] See *ibid* ("Preface"; no page number given).

[148] See *ibid* ("Foreword"; no page number given).

[149] See *ibid*.

[150] See Sheridan, *supra*, note 34, at 9.

Bernard Brown also reminisces, in similar vein thus:

> Law teachers working in any jurisdiction, let alone a young one, need sound tools. Most of these, initially, were furnished by a remarkable ally of the Law Faculty, Bashir A Mallal, who later was honoured by the University,[151] edited the *Malayan Law Journal* and masterminded the flow of local articles, statutes and case materials from the picturesque Malacca Street. He delighted in the company of lecturers and, especially, students. Most days of the working week a white linen cloth would be cast over his office table and splendid curries would be served to all visitors. The Sheridans had a relationship of special warmth with Mallal as subsequently did Geoffrey Bartholomew and [his wife] Winnie.[152]

In a speech at a farewell dinner in his honour, Sheridan, in characteristically generous fashion, took the opportunity to pay an extended tribute to Mallal:

> So many of you have come to give lustre to this evening, to make this occasion what it is, that I cannot single out everyone by name, but one person whose name appears on the invitation card, and who has spoken so charmingly, deserves constant recall as a great friend of the Faculty of Law. It is very gratifying that the award of an Honorary Doctorate of Laws to Bashir Mallal has marked not the conclusion of his contribution to the law of Malaya, but merely a point in its continuation. One cannot deny that the *Malayan Law Journal* itself and the other publications coming from that office are produced by sweated labour, but the sweat extorted by Dr Mallal is none other than his own. Tributes to Dr Mallal's contribution to legal knowledge in Malaya have been made on numerous public occasions, some of which I have had the good fortune to be associated with. I wish to add a personal tribute. I have found Dr Mallal a sturdy friend in all respects. The slogan, "For all your needs consult MLJ" is neither an empty one, nor is it susceptible of a restrictive interpretation. Of course, if one wants a book MLJ has it or gets it. Of course, if something merits publication, MLJ publishes it. But I have gone to MLJ with all my needs, whether domestic, or how to keep fit, or where to buy this or that, or how to cope with any old problem, and I have come to regard

[151] See also *infra*, note 153.
[152] See *Brown 2, supra*, note 72.

> our statutory Wednesday lunch-time session, at which all my needs are catered for, as an integral part of life it will be almost impossible to do without.[153]

It has already been noted that Sheridan had "a gift for founding law schools".[154] The last segment, as it were, of Sheridan's career brought him to Cardiff: and, once again, Sheridan had to deliver an inaugural lecture; in his words on this particular occasion, Sheridan began by observing thus:

> This is the third occasion on which I have had the duty and the honour of inaugurating tenure of a chair of law, and it is the third occasion on which I have had no predecessor to extol.[155]

Indeed, as was the position with regard to the then University of Singapore, Sheridan's present lecture also coincided with his appointment as Foundation Dean.[156] Only in Queens University Belfast was his inaugural lecture not linked to a Foundation Deanship,[157] although it should nevertheless be noted that shortly after returning to Queens, Sheridan did also become Dean.

At University College, Cardiff, the basic themes discernible from his stint at Singapore could also be found there as well: for example, his concern to set up a good law library[158] and to inaugurate a law journal.[159] However, Sheridan himself was quick to acknowledge that, despite common fundamental considerations, local variations ought also to be taken into account.[160] As in Singapore, he nevertheless stressed the importance of teaching both technique *and* perspective.[161]

[153] See *Farewell*, *supra*, note 3, at xii.

[154] See Hickling, *supra*, note 9. See also *supra*, note 87.

[155] See LA Sheridan, *Charitable Causes, Political Causes and Involvement* (An Inaugural Lecture given on 8 November 1972 at University College, Cardiff) at 1. An expanded version of this letter was published as "Charity versus Politics" (1973) 2 Anglo-American Law Rev 47.

[156] At the newly established Joint Law School at University College, Cardiff – which consolidated the then courses run by the University of Wales Institute of Science and Technology and University College, Cardiff, respectively. And see generally LA Sheridan, "University Legal Education in Cardiff" (1973) 4 Cambrian Law Rev 94 as well as DR Miers, "Law" in *University College, Cardiff – A Centenary History*, 1883-1983 (Ed SB Chrimes) at 284-287.

[157] Sheridan was appointed Professor of Comparative Law, and his inaugural lecture was entitled "Legal Education in the Seventies" (1967).

[158] See Sheridan, *supra*, note 156, at 97.

[159] Which, in his view, ought to be set up along socio-legal lines: see *ibid,* at 99-100.

[160] See *ibid,* at 101.

[161] See *ibid,* at 101-102.

G. *Farewell*

However, Sheridan's enduring contribution will, it is suggested, always lie in Singapore: in founding a law school that has now established itself as one of the premier law schools in the Commonwealth. Sheridan left Singapore in May 1963, a not inconsiderable seven years after he first set foot on Singapore soil. This was not unexpected inasmuch as Sheridan himself had not contemplated a permanent stay in Singapore.[162] This, as far as I have been able to assess, was the primary reason for Sheridan's departure, and he was very candid about his original intention to leave Singapore once the local law school had been firmly established; his original estimation was that this task would be accomplished within six to ten years.[163] Were there other reasons? In an essay published in a local journal in 1984, Sheridan did observe that "[i]t would be possible to recount disappointments, misunderstandings, mistakes, malice, myopia: all kinds of failures and false starts to set against progress and successes";[164] however, he hastened to add that "[t]he failures are harder to recall than the triumphs and the malice is best left unremembered".[165] This is of course too general and is consistent with the peaks and triumphs that characterise every life, *regardless* of status or context. Sheridan was, however, at pains to point out that the negative aspects of his stay in Singapore did not affect his decision to depart from Singapore although it did affect the timing of his departure.[166] There were unconfirmed rumours that there were some misunderstandings in the political context,[167] although Sheridan himself has maintained (in print) that "[o]n

[162] Personal interview by the author with Professor Sheridan dated 10 May 1999.

[163] See *ibid*. However, Sheridan was much more ambiguous about the reasons for his departure at the time (see *Farewell*, *supra*, note 3, at ix):

> I have been asked so often why I am leaving. I have given all sorts of reasons, none of which has been accepted as genuine, and so I am now going to give you the real reason. It is that I wish just one rumour to be proved true. The rumour that I was resigning the Chair of Law certainly began shortly after I began to sit on it, and for all I know it may have been current even before my appointment. Way back in 1957 it was suggested as a reason for not recognising the LLB degree as a qualification to practise. But perhaps you will not be convinced by this reason either. Anyway, you must admit that its capacity for propagating rumours is one of the endearing characteristics of university life. I will offer you another reason for leaving: that the recent cold weather in Singapore has necessitated the move to a more temperate climate.

[164] See Sheridan, *supra*, note 34, at 12.

[165] See *ibid*.

[166] See *supra*, note 162.

[167] I have been unable to locate material to this effect in print. *Cf* Ken Tregonning, *Home Port Singapore – An Australian Historian's Experience 1953-1967* (Australians in Asia Series No 4, Centre for the Study of Australia-Asia Relations, Griffith University, November 1989)

the politics of Singapore (like those of anywhere else, come to that) I had no influence at all".[168] Although, as Sheridan himself put it, many (in particular, unpleasant) episodes are "best left unremembered",[169] my own (admittedly, intuitive) sense is that Sheridan had indeed decided to ultimately leave Singapore once the Law Faculty had been established on a secure footing (as he himself maintained).[170] However, he probably left a little earlier than he would have liked because of other reasons. When asked whether these reasons had their roots in political or other interference, Sheridan steadfastly denied that this was so. Unfortunately, perception is everything and without further information on the role of other parties (if any) and (if so) what their particular perceptions were, no (even speculative) assessement is possible, and the present writer must, of necessity, let the matter rest. However, it is true that, whatever the circumstances, Sheridan would most certainly have done nothing to jeopardise the institution that he had helped to give birth to; its foundations had, after all, been firmly established and there was not much more of any lasting significance that Sheridan could have done at that particular point in time. Perhaps by even staying on too long and not devolving the running of the Faculty into other (and ultimately, local) hands, Sheridan would in fact have jeopardised the longterm future of the Faculty, regardless of what other circumstances were then existent. It was time to leave the Faculty in the capable hands of others whom he had carefully recruited and who were well-able to carry on the good work that he had begun.

Prior to his departure to Belfast in 1963, the "Editorial" in the Journal of the Law Society of the then University of Singapore, *Me Judice*, emphasised (once again) the pivotal role that he had played in the establishment of the local law school:

> As Founder of this Law School, Professor Sheridan will long be remembered as the "Father of Legal Education in Malaya". This Law School today takes a place of pride among the other law schools in the Commonwealth and the credit for having made this possible must surely go to Professor Sheridan, who, as pioneer, architect and engineer,

at 64; however, Tregonning's description was (with respect) altogether too brief and sketchy, and cryptic at best, simplistic at worst – and did not, in any event, deal with any of the events connected with, or leading to, the *departure* of Sheridan as such. By way of background, Professor Tregonning was Raffles Professor of History at the then University of Singapore.

[168] See Sheridan, *supra*, note 34, at 11.

[169] See *supra*, note 165.

[170] See *supra*, note 162.

> founded our Law School and made it what it is today. It seems clear that no man could have done better and no tribute to Professor Sheridan for having achieved this is too high.[171]

On his part, Sheridan, in his "Foreword" in the same issue, encouraged specialisation, and also observed thus:

> We have come a long way in little over six years. From the early days of struggle to get a Bachelor of Laws degree going we have progressed to an ambition to make Singapore the centre of legal studies for the south-eastern stretch of the continent. The wish is not to be confused with the fulfilment nor the possibility with success itself. Yet it is easy to imagine a future generation of academic lawyers here and in the universities of neighbouring countries who will be proud to claim that they have a research degree from Singapore.[172]

Dr Bashir A Mallal also paid a warm farewell tribute to Sheridan in an extremely innovative manner, couched in the form of a legal judgment;[173] he observed, *inter alia*, thus:

> In the month of July, 1956, Lionel Astor Sheridan came to this State from Belfast and immediately on his arrival here he brought forth a child which was then christened "the Law Department". As is customary in this country, on his becoming a Father he was given a chair to assist him in his arduous duties as a baby sitter. He was also conferred the title of Professor to indicate his new status. Under the Professor's expert guidance, the child grew from strength to strength. The Professor performed his duties so magnificently and devotedly that within two years the child was precocious enough to ask to be styled the Faculty of Law to which the Professor duly acceded by making the usual declarations of change of name.[174]

It was only fitting, therefore, that the then University of Singapore conferred on Sheridan the honorary degree of Doctor of Laws on 8 June 1963. In his citation, Professor RA Kenney aptly observed thus:

[171] See (1962) 5 Me Judice ix.
[172] See (1962) 5 Me Judice xi.
[173] See *Farewell, supra*, note 3, at ix-xi.
[174] See *ibid,* at x.

> The term "boy wonder" is probably not one which accords well with the dignity of an occasion such as this and while one may perhaps mitigate the offence of using a latinization it would not alter the fact that it is difficult to find any other way of describing Lionel Astor Sheridan.[175]

He proceeded to observe further that:

> Sheridan's influence was felt at all levels of University life. On Senate and in Council, he defended fearlessly what he believed to be right and in the best interests of the University. His opinion frequently sought was invariably respected. Along with his love of principles, Sheridan was a very human person. ... Throughout the busy years of directing the growth of his department and faculty, Sheridan continued to make contributions to legal knowledge which earned him international respect. The University has a memorial to his work in the Statutes and Acts which he helped to revise on the foundation of the University of Singapore.[176]

III. The Scholarship of LA Sheridan

The present writer must frankly confess his relative ignorance with respect to all of Sheridan's major fields of expertise: although study them he did, being a recipient, as it were, of the educational foundations laid by Sheridan himself approximately two decades prior to his own entry into the local law school. I have also not been able to obtain access to each and every of Sheridan's writings, although it is felt that a sufficient quantity (at least for the purposes of the present essay) has been read. However, these problems notwithstanding, I will endeavour to survey briefly the broad contours of Sheridan's scholarship and, where feasible, attempt to elicit a flavour of the general response to his work, principally by way of book reviews (although one must of course bear in mind the obvious caveat to the effect that such reviews are but rough guides at best). I will focus on five broad areas (Singapore legal system, legal education, equity and trusts, public law, and land law), although there are, of course, many other publications that do not fit into any of these categories.[177] This having been said, it must be observed right at the outset that Sheridan's output is astounding – both

[175] See *The University of Singapore Gazette,* Vol 2 No 1, July 1963 at 2.
[176] See *ibid*.
[177] See *eg*, LA Sheridan, "Cheaper to Knock Down Policemen" (1960) 2(2) Me Judice 26 and, by the same author, "Stock Transfer Act (NI) 1963, c 24" (1964) 15 NILQ 298.

in terms of quality as well as quantity. And, as we shall see, he continues to produce published works at even the present day.

Before proceeding to a survey proper of Sheridan's scholarship, a few other general points may be usefully made. First, Sheridan's work was, as we shall see throughout the survey that follows, often comparative in nature.[178] Secondly, it is noteworthy that Sheridan never shield away from tackling issues of policy head-on.[179] Thirdly, Sheridan also engaged in more mundane, yet no less, important bibliographical pieces that are of especial utility to the lawyer.[180] Fourthly, Sheridan was also able to reach out to a much broader lay audience, as evidenced, for example, by his lectures delivered before the Institute of Bankers at Belfast: and this was all the more commendable as they pertained to rather technical legal topics.[181] In

[178] See also LA Sheridan, "Irish Private Law and the English Lawyer" (1952) 1 ICLQ 196.

[179] See *eg*, LA Sheridan, "Compensation for Industrial Injuries" (1954-56) 11 NILQ 219; and, by the same author, "Late National Insurance Claims: Cause for Delay" (1956) 19 MLR 341; "National Insurance Adjudication" (1956) J Statistical and Social Inquiry Society of Ireland 29; as well as "Flowers Rides Again" (1956) 19 MLR 308. See also Sheridan, "Excusable Breaches of Trust", *infra*, note 214.

[180] See *eg*, LA Sheridan, "Equity" (pp 19-21) and "Trusts" (pp 46-48) in the Institute of Advanced Legal Studies, *Bibliographical Guide to United Kingdom Law* (1st ed, 1956; and see pp 25-27 and 59-62, respectively, with respect to the 2nd ed, 1973) and, by the same author, "Digest of Unreported Northern Ireland Cases" (1964) 15 NILQ 121; "Digest of Unreported Northern Ireland Cases" (1964) 15 NILQ 239; "Practitioners' Reference Table: Contract" (1964) 30 Irish Jurist 42; "The Irish Jurist Quarterly Digest" (1964) 30 Irish Jurist 45; "Practitioners' Reference Table: Trusts" (1964) 30 Irish Jurist 77; "The Irish Jurist Quarterly Digest" (1964) 30 Irish Jurist 79; and "Equity" (pp 25-27) and "Trusts" (pp 59-62) in the Institute of Advanced Legal Studies, *Bibliographical guide to United Kingdom Law*, 2nd ed.

[181] See *eg*, LA Sheridan, "Some Aspects of Legal Mortgages" (1950) 52 J Institute of Bankers in Ireland 114 and "Registration and the Priority of Securities" (1951) 53 J Institute of Bankers in Ireland 259.

Reference may also be made (in the local context) to the following publications by Sheridan (significantly, perhaps, in non-legal journals): "Status of Judges" (1954-56) Magazine of the University of Malaya Students' Union 51; "The Rule of Law: 1959 Model" (1958-59) Magazine of the University of Malaya in Singapore Students' Union 8 (this essay is particularly interesting as it discusses the very real tension between a procedural approach towards the Rule of Law that may not in fact achieve substantive justice); "The Rule of Law" (1960) 1(1) Bakti 11; and "The Role of Social Scientists in Malaya Today" (1961) 1 J Social Science Society 11 at 14-15 (contribution to the opening symposium which is also a recognition of, as well as call for, interdisciplinary research – which was amazingly ahead of its time inasmuch as this concern with interdisciplinary research is currently an extremely important part of the university agenda). See also his contribution to the then current edition of the *Encyclopaedia Britannica* (entitled "Legal Education": see the *Encyclopaedia Britannica* (15th ed, 1974) (offprint provided by the author) pp 773-777) as well as his article, "The Changing Conception of the Commonwealth" (1957) The Yearbook of World Affairs 236.

a somewhat related vein, Sheridan co-produced a book entitled *Elementary Law – An Introduction for the Malayan Citizen*;[182] this was the book which contained "part of the material which was broadcast by Radio Malaya in a series entitled *Radio Law*".[183] This was, in fact, an innovative exercise to take a rudimentary knowledge of the law to laypersons; five hundred and thirty-four students in fact enrolled for the course and were not only invited to attend the recordings as well as to put questions to the lecturers or panels but were also invited to write essays which were duly returned with comments.[184] Fifty of the best essay-writers were invited to a weekend seminar held at Kuala Lumpur.[185] The two principal lecturers were Sheridan and Tan Boon Teik,[186] with nine lectures and three discussions: a total of twelve sessions altogether.[187] This slim volume contained the scripts of all the nine lectures as well as an appendix "giving examples of the type of question and answer which followed the lectures".[188] Fifthly, it should also be mentioned that he also had the gift of writing on personalities in an engaging manner.[189]

What was particularly intriguing to the present writer was Sheridan's combination of interests. His concern with legal education – in both its practical as well as theoretical aspects – is sufficiently easy to understand. So, also, his interests in equity and trusts as well as land law, which are (in many ways) related. However, Sheridan pointed out that he also had a deep interest in constitutional law, and that insofar as the need for local writing was concerned, he perceived a need in that area as well and thus pursued it accordingly, notwithstanding the differences in the basic constitutional structures in Britain and Malaya, respectively.[190]

Last, and perhaps most importantly, Sheridan's scholarship has stood the test of time. His work in equity and trusts,[191] for example, is cited numerous times in the latest edition of the leading textbook, *Hanbury & Martin* –

[182] Published in 1957 by Donald Moore, Singapore for the Singapore Council for Adult Education.

[183] See Sheridan, "Introduction" in *ibid* at vii. See also *supra*, note 36.

[184] See *ibid*.

[185] See *ibid*.

[186] Then Deputy Registrar of the Supreme Court and Sheriff of Singapore, and subsequently, Attorney General; see also *supra*, note 35.

[187] See Sheridan, *supra*, note 182, at vii-viii.

[188] See *ibid,* at viii.

[189] See *eg*, LA Sheridan, "Professor JL Montrose" (1966) 17 NILQ 468a; "Belfast's First Professor of Civil Law" (1972) 23 NILQ 460; and "George Williams Keeton 1902-1989" (1993) 80 Proceedings of the British Academy 333.

[190] See personal interview by the author with Professor Sheridan dated 10 May 1999.

[191] See generally the main text accompanying note 214 *et seq, infra*.

Modern Equity,[192] and this is also the case with respect to other prominent textbooks in the field.[193] And in the sphere of public law, although Sheridan's output was restricted (primarily by not staying on for a longer time in Singapore), his work continues to stand the test of time, particularly where recourse to the historical background is concerned: and this would explain why at at least two points in the leading casebook at present, Kevin YL Tan and Thio Li-ann's *Tan, Yeo & Lee's Constitutional Law in Malaysia and Singapore*,[194] a large number of Sheridan's works are cited together.[195]

A. *The Singapore Legal System*

Although this was not Sheridan's acknowledged forte, it is important to note that one of his (arguably, the) first major local enterprises contributed in no small measure toward a more holistic understanding of the Singapore legal system. He edited the massive *Malaya and Singapore, the Borneo Territories – the Development of Its Laws and Constitution.*[196] Although it is now woefully dated, there has been nothing like it before or since. It is also worthy to note that Sheridan contributed the lion's share of the chapters: seven out of a total of sixteen chapters.

One might also usefully mention, at this juncture, Sheridan's essay entitled "The Repatriation of the Common Law",[197] which comprehensively examines the various modifications that have taken place to the common law system received by way of colonisation.[198]

[192] 15th ed, 1997, by Jill E Martin. And see generally *ibid* at 5, note 9; 143, note 1; 162, note 27; 165, note 1; 178, note 94 (where two works are in fact cited); 188, note 21; 309, note 6; 327, note 12; 357, note 72; 372, note 58; 376, note 1; 538, note 2; 544, note 54; 648, note 20; 650, note 38; 804, note 70; and 885, note 5.

[193] See *eg*, AJ Oakley, *Parker and Mellows: The Modern Law of Trusts* (7th ed, 1998) (see *ibid* at 108, note 63; 232, note 6; 420, note 22; and 576, note 5); Philip H Pettit's *Equity and the Law of Trusts* (8th ed, 1997) (see *ibid* at 70, note 19; 73, note 4; 121, note 18; 295, note 3; and 409, note 18); and JG Riddall's *The Law of Trusts* (5th ed, 1996) (see *ibid* at 68, note 15; 69, note 18; 108, note 18; 258, note 1; and 418, note 18).

[194] 2nd ed, and published by Butterworths Asia, 1997. Yeo Tiong Min and Lee Kiat Seng, whilst involved in the preparation of the first edition, were unable to participate in the preparation of the second. The remaining editor, Kevin Tan was joined by a new editor, Thio Li-ann.

[195] See *ibid* at 64 (8 works cited) and 858 (6 works cited); see also *ibid* at 704, 874 and 886-887 (this lastmentioned reference in fact contains an extract from one of Sheridan's comments: see *infra*, note 324).

[196] Published in 1961 by Stevens and Sons.

[197] See (1965) 18 CLP 61.

[198] Reference may also be made to LA Sheridan, "Malay Marriages" in *Studies in Law – An Anthology of Essays in Municipal and International Law* (1961) at 492-508.

B. *Legal Education*[199]

This was a major scholarly interest of Sheridan and, quite appropriately so, for it represented not only a scholarly interest but was also inextricably connected with Sheridan's own practical application in the context of the local Law Faculty itself (commencing, of course, with the very founding of the then Law Department itself). Not surprisingly, therefore, his inaugural lecture, delivered at the then University of Singapore on 19 October 1956, was entitled *University Law*.[200] He pertinently observed, right at the outset of this lecture, thus:

> The university is concerned primarily with education, not with imparting professional expertise. At the same time, the university need not be ashamed of itself if it incidentally gives vocational training ... The general aims of a university education are to indoctrinate the student with a respect for truth; to develop the student's powers of reasoning until his actual performance coincides with his potential capacity; to help him to work on his own; to direct his mental development primarily through study in a limited field (*eg,* law, literature, medicine); and to provide a general approach and environment tending to enhance the degree of culture and civilisation of everyone coming into contact with it. This is of course to look at the university from the undergraduate's point of view. It is also essential that the academic staff (not necessarily all of them) should engage in research and publication, and it is desirable that there should be a postgraduate student body.[201]

In similar vein, Sheridan has also observed elsewhere that although he believed that "there is no substitute for learning practice by engaging in practice, nevertheless I maintain that an educational system can assist".[202] Sheridan has also contended that:

> [J]ust as no one but an intuitive genius can be a successful practical man without a sound grasp of theory, so there can be no valid theorizing segregated from the acid test of practical application.[203]

[199] For a slightly different piece, see LA Sheridan, "Law Teachers and Law Reform" (1976) 10 Law Teacher 89. Reference may also be made to, by the same author, "Some Major Problems of a Second Law School in Malaysia" (1968) 3 Law Gazette 26 and "Legal Education", *supra*, note 46.

[200] Published in pamphlet form, and summarised (albeit in a rather comprehensive manner) in [1956] MLJ xxviii; all references hereafter will be to the former (*ie*, lengthier) version.

[201] See *ibid,* at 1.

[202] See Sheridan, *supra*, note 200, at 4.

[203] See Sheridan, "Legal Education in Malaya", *supra*, note 38, at 19.

Indeed, he saw no sharp or substantive distinction as such between academic and professional training as such.[204]

There was another major facet of university education that Sheridan advocated, and impacts on the inter- and multidiciplinary nature of legal education itself; in his inaugural lecture, he observed thus:

> A lawyer must not only be proficient in the legal syntax of his own system: he must strive to know other systems of law, and to be a philosopher, sociologist, economist, psychologist, and much else besides.[205]

This emphasis on the inter- and multidisciplinary nature of law in general and legal education in particular is very much part of the present educational landscape, some four decades after Sheridan first talked about it. More than that, it is suggested that Sheridan's emphasis (also referred to earlier)[206] enshrines what are, in my view, the main components that go to any holistic and integrated view of any given discipline: the doctrinal, the theoretical, the historical[207] and the comparative. Emphasis on the doctrinal to the exclusion of everything else results in a sterile positivism that must necessarily fail to capture the spirit and value of the law itself. On the other hand, emphasis on the theoretical renders the entire process a futile exercise in abstraction. Exclusion of the historical also results in abstraction and/or (worse still) practical irrelevance and error, whilst an eschewing of the comparative aspects of law is sheer parochialism and self-destruction in a global environment where nations have become inextricably linked together: both economically and otherwise.

However, the most serious problem in the local context appears to lie in overpragmatism and the consequent rejection or emasculation of theory – which leads (in turn) to the (at least implicit) ironic (and contradictory) acceptance of positivism as the dominant (and poorest, in the present writer's

[204] See also Calvert, Coomaraswamy and Sheridan, *supra*, note 102, at 16. He also advocated, on another occasion, "friendly co-operation" between academic lawyers and legal professional bodies: see Sheridan, *supra*, note 157, at 19.

[205] See Sheridan, *supra*, note 200, at 2.

[206] See *supra*, note 205.

[207] And see Sheridan, "Legal Education", *supra*, note 181, at 774, as follows:

> Traditional legal education also included the teaching of legal history. Once regarded as an essential part of any educated lawyer's equipment, legal history now receives much less emphasis. Separate courses in the subject are offered in fewer and fewer law schools and, when optional, are not very popular among students. But much legal history is taught in the context of other courses. The corpus of law is a constantly evolving collection of rules and principles, and many teachers consider it necessary to trace the development of the branch of law they are discussing.

view) theoretical position. I have dealt at some length with the folly of adopting such a position,[208] which Sheridan himself rejected in no uncertain terms, observing (again, in his inaugural lecture) thus:

> People who pride themselves on being practical men sometimes look with derision upon theory. It will often be found that they are not as practical as they think, or that they have a grasp of theory to which they do not admit, or that the substantial object of their criticism is unsound theory. ... Scorn should not then be poured upon all theorising: scorn should be reserved for those so-called academics who react by tailoring their facts to fit their theories. Conversely, once the validity of a theory has been established, he is not a practical man who ignores it. The path of the progress of the common law gleams with the glory of those who were practical theorists.[209]

Indeed, Sheridan himself ensured that legal theory was a compulsory subject: in fact *two compulsory* courses, the first to be taken during the then second phase of law studies, the second to be taken in the then third (and final) phase of law studies.[210] Legal theory, or "Jurisprudence" as it is now called, has been an *optional* subject for a great many years now[211] – although it should be noted that there are now (in addition) a not inconsiderable number of perspective courses as well. My less than optimistic prognosis[212] has proven to be not totally founded, and that is a good sign for legal education in general and the Jurisprudence course in particular. I am sure that Professor Sheridan would be relieved and it is hoped that his original vision would be fully reinstated, albeit (perhaps) not in the form of compulsory legal theory courses.

Finally, the following commonsensical observations by Sheridan, which not only demonstrate an astute appreciation of the balance required in the context of legal education but also summarise many of the principles briefly discussed above, may be usefully quoted:

> [I] have become progressively less confident of adhering to any educational philosophy whatsoever. Certain clear-cut propositions I nevertheless believe to be true.

[208] See generally Andrew Phang, "Legal Theory in the Law School Curriculum – Myth, Reality, and the Singapore Context" (1991) 6 Connecticut J International Law 345.
[209] See Sheridan, *supra*, note 200, at 5.
[210] See Phang, *supra*, note 208, at 364 *et seq*, for the relevant background.
[211] See *ibid*.
[212] See generally Phang, *supra*, note 208.

1. A subject may be suitable for theoretical study even if it is a practical subject.
2. A subject may be suitable for theoretical study even if it is not a practical subject.
3. An activity of a law school may be suitable as university education even if it cannot be seen to be of relevance to the training of a barrister or solicitor.
4. An activity of a law school may be suitable as university education even if it can be seen to be of relevance to the training of a barrister or solicitor.
5. It is appropriate for a university law school to have regard to philosophical, sociological and comparative aspects of law as well as to analysis of authorities demonstrating the current rules of the law of the land.
6. It is not appropriate for a university law school to hanker after philosophy, sociology or foreign law to the extent of neglecting analysis of authorities demonstrating current rules of law.[213]

C. *Equity and Trusts*

This was one of Sheridan's primary areas of research. Owing to constraints of expertise and space, only a few of the more prominent topics which Sheridan researched and wrote upon will be considered: and very briefly at that. It cannot, therefore, be emphasised too much that Sheridan's expertise in this field was encyclopaedic in nature.[214]

[213] See Sheridan, *supra*, note 157, at 10.

[214] See *eg*, (with regard to floating trusts) "The Floating Trust: Mutual Wills" (1977) 15 Alberta Law Rev 211 and "Gifts Over with Floating Subject-Matter: Estates, Powers, Repugnancy (And the Intention of the Testator)" (1977) 7 Manitoba LJ 249; (with regard to secret trusts) "English and Irish Secret Trusts" (1951) 67 LQR 314; (with regard to excusable breaches of trust within the purview of s 61 of the Trustee Act 1925) "Excusable Breaches of Trust" (1955) 19 Conv 420 (where, notably, Sheridan considers the elements of honesty, reasonableness and fairness in s 61 as issues of *policy*; *quaere*, however, whether such a proposition is supportable on the basis that the court is interpreting a *statutory* provision that has *itself necessarily* been the product of *policy* and it is worthy to note, in this respect, that even jurists such as Ronald Dworkin allow for the legitimate use of policy in a *legislative* (as opposed to an adjudicative) context); "Protective Trusts" (1957) 21 Conv 110 (the title of the article itself being self-explanatory); "Trusts for Paying Debts" (1957) 21 Conv 280 (again, the title of the article being self-explanatory); "Informal Gifts of Choses in Action" (1955) 33 Canadian Bar Rev 284 (which is an excellent piece dealing with the status of voluntary equitable assignments of choses in action; see also (in a related albeit much more

Sheridan's first major monographic work was, not surprisingly, in the field of equity: in particular, the important topic of fraud in equity. This was based on his doctoral thesis and is, in fact, simply entitled *Fraud in Equity*.[215] It was well-received and its at least quasi-seminal status is evident from the very many reviews that followed. It may therefore be illuminating if some of these reviews were briefly examined.

One reviewer observed that the work "lives up to the promise of his numerous articles in various legal periodicals, and is characterised by the same careful scholarship, critical analysis and wealth of citation".[216] It is significant that this same reviewer highlights Sheridan's chapter on undue influence as outstanding,[217] for, as I shall attempt to demonstrate, some of Sheridan's views were way ahead of their time. Indeed, another expert in the field thought that the entire part of the book in which, *inter alia*, the discussion of the doctrine of undue influence appears was "particularly valuable".[218] However, before I proceed to briefly deal with Sheridan's views on both undue influence as well as duress and unconscionability, it is worth noting that in another review, this book was described as follows:

> Users of this scholarly work will find that the learned author has dealt with the subject very comprehensively and it is a worthy addition to every practitioner's library.[219]

specific vein) "Reflections on Irish Deposit Receipts" (1950-52) 9 NILQ 101); "Howe v Lord Dartmouth Re-Examined" (1952) 16 Conv 349 (with respect to trustees' powers and duties in the context of residuary personalty left by will for successive interests); "The Trustee Act, 1966" (1965) 4 The Solicitor Quarterly 186 (a perceptive essay on law reform); "Equity Today" (1971) 6 Irish Jurist (NS) 258 (a masterly overview of the situation then existing); and "Technology, People and New Equity"(1986) 28 Mal LR 1 (on the Anton Piller order and the Mareva injunction). Reference may also be made to his note entitled "Clean Hands" (1959) 1 Univ Malaya Law Rev 145. There is also a work in French: "*La Notion d'Equity en Droit Anglais Contemporain*" (1969) 10 *Les Cahiers de Droit* 327 (lecture delivered at the University of Grenoble; this information was furnished by Professor Sheridan and translated (by him) as "The Concept of Equity in the Modern English Legal System").

[215] Published in 1957 by Sir Isaac Pitman & Sons Ltd, London; and sub-titled "A Study in English and Irish Law". In the "Preface", Sheridan tells us that the book was based on his PhD thesis submitted to Queen's University of Belfast in 1953 and is, indeed, an abridged version of that thesis. He also acknowledged his debt to Professor JL Montrose, who had been the supervisor of the thesis. See also LA Sheridan, "Fraud and Surprise in Legal Proceedings" (1955) 18 MLR 441, which Sheridan described as "[o]ne small omitted section" from the book that was converted into the present article (see *ibid*).

[216] See OR Marshall, *Book Review*, (1958) 74 LQR 114 at 114.

[217] See *ibid,* at 115.

[218] See Philip H Pettit, *Book Review*, (1957) 20 MLR 665 at 666.

[219] See *Book Review*, [1957] MLJ xxiv.

In yet another review, the reviewer observes that the work "does much to dispel confusion"[220] and that "Dr Sheridan writes lucidly in a style that is at once not only readable but interesting, with occasional illustrations and turns of phrase which can best be described as highly colourful".[221] Another reviewer describes, in similar vein, the work as "an admirable survey and a model of clarity",[222] although he candidly also observes that it also "suffers from the inevitable defects of its origin"[223] as a doctoral thesis and, in his view, would have been complete if there was a focus on the common law as well; however, he hastened to add that this criticism did not in any way detract from the sterling scholarship of Professor Sheridan himself.[224] The work has also been described as having an "analytical rigidity" that was, however, double-edged as, so the reviewer argues, "[l]ogical clarity has been obtained at the expense of readability", although the problem of readability was only a particular problem *vis-à-vis* the undergraduate student;[225] again, it is also observed that the relatively narrower focus of a doctoral thesis "prevents the concept of fraud being presented in context" (here, with no discussion of the concept of estoppel as such).[226] Another reviewer, after referring to some perceived shortcomings, nevertheless concluded that such observations could not "detract from the overall excellence of *Fraud in Equity* and its affirmative contribution to the literature of equity".[227]

Turning to Sheridan's specific treatment of "Inequality of Parties and Unconscionable Bargains" in Part II of the book, it is suggested that there are many aspects of that particular Part that are deeply insightful and ahead of their time. Owing to constraints of space, only a couple of brief comments will be made. First, we note Sheridan's discussion of precedents that would now fall under the rubric of "economic duress" together with precedents that would be classified today under the categories of "undue influence" and "unconscionability", respectively. This is not surprising since the doctrine of economic duress is a very recent legal phenomenon, traditionally traceable back to only 1976.[228] Notwithstanding this, however, Sheridan does in fact

[220] See WA MacKay, *Book Review*, (1959) 37 Canadian Bar Rev 644 at 644.
[221] See *ibid,* at 645.
[222] See Hamish R Gray, *Book Review*, (1957-58) 4 JSPTL (NS) 125 at 125.
[223] See *ibid*.
[224] See *ibid,* at 126.
[225] See PG Nash, *Book Review*, (1958) 1 Tasmanian Univ Law Rev 140 at 140.
[226] See *ibid*. Though see Sheridan's very perceptive work on estoppel in article form, discussed *infra*.
[227] See Edward D Re, *Book Review*, (1958) 32 St John's Law Rev 376 at 379.
[228] See *Occidental Worldwide Investment Corp* v *Skibs A/S Avanti, Skibs A/S Glarona, Skibs A/S Navalis (The "Siboen" and the "Sibotre")* [1976] 1 Lloyd's Rep 293. And see generally Jack Beatson, "Duress as a Vitiating Factor" [1974] CLJ 97.

nevertheless attempt to distinguish this doctrine somewhat under the tentative rubric of "equitable duress".[229] And, as just mentioned, this tentative classification has (since 1976) been crystallised as a substantive doctrine. Indeed, in a joint work published in 1987, more than passing mention is made of the doctrine of economic duress which had, by then, been established.[230]

As a related point, it is interesting to note that at the time Sheridan was writing, the doctrine of unconscionability was still very narrowly confined, in particular, under English law (in the main to situations concerning expectant heirs and improvident transactions). Indeed, in the present book, although Sheridan deals with "Unconscionable Bargains" in a separate chapter,[231] the substance of yet another chapter[232] as well as some of the decisions he discusses in a yet earlier chapter[233] would, it is submitted, also fall under the more modern doctrine of unconscionability. Indeed, insofar as this more modern doctrine is concerned, the principal developments have in fact been embodied in decisions of the Australian High Court,[234] although there appear to be at least some signs that such a broader development may possibly take place in England as well.[235] It is, however, significant to note at this juncture that Sheridan did in fact query[236] whether there was any difference between the cases where a party is alleged to have taken advantage of the weakness of the other party on the one hand[237] and cases involving expectants on the other: and, indeed, he thought that there was at least a tendency towards an amalgamation of both categories.[238] This brings us very close, in fact, to the broader (and more modern) doctrine of unconscionability just mentioned and is particularly prescient, given the time at which Sheridan wrote.[239]

Sheridan did, however, distinguish the doctrine of "equitable duress" from that of undue influence, which he viewed as being applicable to fiduciary relationships.[240] He also distinguishes this doctrine from that of what we

[229] See Sheridan, *supra*, note 215, at 86.
[230] See Keeton and Sheridan, *supra*, note 27, at 259-262.
[231] See *ibid,* at Ch VII.
[232] See *ibid,* at Ch VIII (entitled "Catching Bargains with Expectants").
[233] See *ibid,* at Ch IV (entitled "Taking Advantage of Weakness and Necessity").
[234] See, in particular, *Commercial Bank of Australia* v *Amadio* (1983) 151 CLR 447 and *Louth* v *Diprose* (1992) 175 CLR 621.
[235] And see generally Andrew Phang, "Vitiating Factors in Contract Law – The Interaction of Theory and Practice" (1998) 10 SAcLJ 1 at 46-60.
[236] See Sheridan, *supra*, note 215, at 144-145.
[237] Which he dealt with in Ch IV; and see *supra*, note 233.
[238] Which he dealt with in Ch VIII; and see *supra*, note 232.
[239] And see also generally now Keeton and Sheridan, *supra*, note 27, at 255-258 and 280-283.
[240] See *supra*, note 229. The doctrine of undue influence is discussed separately: see *ibid* at Ch V (see now also Keeton and Sheridan, *supra*, note 27, at 263-279 and LA Sheridan and George W Keeton, *Fraud and Unconscionable Bargains* (1985)).

would classify today as unconscionable bargains which, he argues, need not necessarily involve coercion.[241] However, he does point to the fact of all three doctrines as being species of fraud.[242] I have sought to go further, and have argued, first, that the doctrines of economic duress and actual (or class 1) undue influence are very similar in substance, and that there was therefore no real problem in combining both doctrines into one.[243]

I further argued that, notwithstanding a few potential obstacles, there was also a close relationship between the doctrines of unconscionability and undue influence,[244] as well as between the doctrines of unconscionability and economic duress.[245]

In the light of the aforementioned linkages, I argued, finally, that there was no reason in logic or principle why it was not possible "to subsume all three doctrines [*viz*, economic duress, undue influence and unconscionability] under one broad heading of unconscionable conduct".[246] I also dealt with potential objections to such an amalgamation,[247] and argued that none of them constituted insuperable obstacles to the reform presently proposed.[248]

There is, it should be mentioned, one other possible alternative, *viz*, the doctrine of good faith. However, as one writer has pointed out, the doctrine of unconscionability is probably of potentially more valuable protection compared to the doctrine of good faith.[249] The entire doctrine of good faith is, in fact, at a very embryonic stage of development, at least insofar as English (and, presumably, Singapore) law is concerned. But it is admitted that, these difficulties notwithstanding, there has in fact been no small measure of interest in the doctrine in academic circles, particularly in recent years.[250]

[241] See Sheridan, *supra*, note 215, at 86.
[242] See *ibid*.
[243] See Andrew Phang, "Undue Influence – Methodology, Sources and Linkages" [1995] JBL 552 at 565-566.
[244] See *ibid,* at 566-570.
[245] See *ibid,* at 570.
[246] See *ibid*.
[247] See *ibid,* at 570-574.
[248] See also generally Andrew Phang, "Economic Duress: Recent Difficulties and Possible Alternatives" [1997] RLR 53 at 63-64 and, by the same author, "Tenders, Implied Terms and Fairness in the Law of Contract" (1998) 13 JCL 126 at 137-140.
[249] See S Waddams, "Good Faith, Unconscionability and Reasonable Expectations" (1995) 9 JCL 55 at 60.
[250] See the excellent collection of essays in *Good Faith and Fault in Contract Law* (Eds, J Beatson and D Friedmann, 1995). See also Lord Steyn, "The Role of Good Faith and Fair Dealing in Contract Law: A Hair-Shirt Philosophy?" [1991] Denning LJ 131; Waddams, *supra*, note 249; and Roger Brownsword, "Two Concepts of Good Faith" (1994) 7 JCL 197; as well as (by the lastmentioned author), "'Good Faith in Contracts' Revisited" (1996)

However, even if the argument from unconscionability is accepted, much more remains to be done, and this is succinctly encompassed, it is suggested, within the following passage from a recent joint article:[251]

> If, however, the sense of justice that we have alluded to is indeed intuitively embedded within the psyche of lawyers and judges alike, it ought to have a *substantive* character about it. Unfortunately, even the broad doctrine of unconscionability as it has hitherto been developed is concerned with what has been termed merely *procedural* fairness, *viz* fairness of the procedures and negotiations leading to the formation of the contract – as opposed to *substantive* fairness, *viz* fairness in substantive result, in the resulting *terms* of the contract itself. Equally unfortunately, perhaps, is the fact that this distinction between procedural and substantive fairness is well-established in both the case law[252] as well as academic literature.[253] Such a distinction is perhaps best explained as a type of control mechanism that is capable of constraining excessive uncertainty. However, as Professor Atiyah has very perceptively demonstrated, such a distinction is rather artificial since procedural and substantive fairness often impact on, as well as interact with, each other.[254] It is our view that the next logical step if (as we suggest) the doctrine of unconscionability is adopted is the consideration of how the idea of *substantive* fairness can (in *addition* to that of procedural fairness) be incorporated within a coherent legal

49 CLP 111 (which "revisits", as the title itself suggests, the seminal article, in the same journal, by Powell, "Good Faith in Contracts" (1956) 9 CLP 16). Reference may also be made to the articles cited at *supra*, note 248 at esp 64 and 137-140, respectively.
And for a very broad article that locates the concept of good faith in even doctrines such as mistake and misrepresentation, see Kessler and Fine, "*Culpa In Contrahendo*, Bargaining in Good Faith, and Freedom of Contract: A Comparative Study" (1964) 77 Harv Law Rev 401.

[251] See Andrew Phang and Hans Tjio, "From Mythical Equities to Substantive Doctrines – Yerkey in the Shadow of Notice and Unconscionability" (1999) 14 JCL 72 at 106-107 (emphasis in the original text; I have also retained the original footnote references within the passage quoted).

[252] See, in particular, *Hart* v *O'Connor* [1985] AC 1000 esp at 1024.

[253] See *eg*, A Leff, "Unconscionability and the Code – The Emperor's New Clause" (1967) 115 Univ Pennsylvania Law Rev 485 esp at 487; Jack Beatson, "Unconscionability: Placebo or Pill?" (1981) 1 OJLS 426; and SN Thal, "The Inequality of Bargaining Power Doctrine: The Problem of Defining Contractual Unfairness" (1988) 8 OJLS 17.

[254] See PS Atiyah, "Contract and Fair Exchange" (1985) 35 Univ Toronto LJ 1 (Reprinted as Essay 11 in PS Atiyah, *Essays on Contract* (1986)).

framework.[255] In view of the discussion throughout this essay as well as the views of Professor Atiyah,[256] the difficulties inherent within this next step are not unique to the doctrine of unconscionability. We would venture to suggest that virtually every contractual doctrine is inherently fraught with the problem of uncertainty,[257] not least where the application of legal doctrine is concerned. That being the case, the way forward is to continue to develop and simplify the law, moving it towards the ideal wherein both procedural and substantive justice reside – integrating, as it were, the material doctrinal framework with the spirit of justice and fairness that that framework is intended to both promote as well as accommodate.

I would like to briefly consider an alleged omission: that of estoppel.[258] As already alluded to above, Sheridan did in fact deal with this particular topic in a couple of pieces, which I will now very briefly consider. First, his article, entitled "Equitable Estoppel Today",[259] is a masterly survey of a fledgling doctrine as it then stood. Of particular interest is Sheridan's discussion of the various authorities that support his view that equitable estoppel could operate as a cause of action.[260] Of even greater interest, it is submitted, is his (related) argument to the effect that it was possible to invoke the doctrine of equitable estoppel as a cause of action in a situation of *negligent misrepresentation*.[261] To appreciate the brilliant inventiveness of this argument, one has to bear in mind the *context in, as well as time at*, which this argument was made. It was made at a time prior to the landmark House of Lords decision in *Hedley Byrne & Co Ltd* v *Heller & Partners Ltd*,[262] which first established legal liability for negligent misrepresentation.

[255] For an instance of an incipient effort, see SA Smith, "In Defence of Substantive Fairness" (1996) 112 LQR 138. The general task is by no means an easy one, particularly if one is concerned with the *justification* of resultant theories – which justification might include arguments from *value*, never an easy route given the widespread belief in pluralism. However, the fact of pluralism does not necessarily entail irretrievable subjectivity or relativity. But this broader task is beyond the scope of the present article.

[256] See *supra*, note 254.

[257] And see *eg*, in the context of economic duress, Andrew Phang, "Whither Economic Duress? Reflections on Two Recent Cases" (1990) 53 MLR 107; and, by the same writer, "Economic Duress – Uncertainty Confirmed" (1992) 5 JCL 147 and "Economic Duress: Recent Difficulties and Possible Alternatives" [1997] *RLR* 53 (this lastmentioned article having already been cited *supra*, note 248).

[258] And see *supra*, note 226.

[259] See (1952) 15 MLR 325.

[260] See generally *ibid,* at 328-331.

[261] See *ibid,* esp at 331.

[262] See [1964] AC 465.

The law at the time Sheridan was writing was the exact converse (*ie*, rejecting any legal liability for negligent misrepresentation) and was embodied within the Court of Appeal decision of *Candler* v *Crane, Christmas & Co:*[263] which was in fact subsequently *overruled* by the House of Lords in *Hedley Byrne* itself. Faced with the law as it then was, Sheridan's proposal that the doctrine of equitable estoppel be utilised instead in order to achieve justice for a party who was the victim of negligent misrepresentation was bold and innovative.

In the same article mentioned in the preceding paragraph, Sheridan also gives a thorough analysis of the seminal *High Trees* case.[264] He touches upon, *inter alia*, the requirement of detriment,[265] and does so yet again in another perceptive note on a New Zealand decision, *P* v *P*.[266] In this note, Sheridan argues that "[d]oubtless promissory estoppel will *most frequently* succeed where there is detriment to the promisee in reliance on the representation. It is submitted, *however*, that enforcement of the original obligation *may be inequitable without any detriment* (in the narrow sense), *and* that the categories of what is inequitable can never be closed".[267] This argument is in fact consistent with the position that Lord Denning has adopted, where he has insisted, in both judicial[268] as well as extrajudicial[269] contexts, that detriment was not an essential requirement of the doctrine of promissory estoppel itself; indeed, he pointed out that often, a *benefit* would accrue instead. However, Professor Atiyah has pertinently pointed to the fact that such an approach raises problems because Denning, by adopting a *promise*-based (instead of a reliance-based) approach, still insists that the promisee must have acted upon the representation concerned; in addition, if reliance be insisted upon (as Denning does), then why should the promisee be in a better position than he was before if he has not suffered any detriment (which Denning eschews)?[270] I have also argued elsewhere that the most concrete manifestation of inequitability is the demonstration (on substantive

[263] See [1951] 2 KB 164.

[264] See *Central London Property Trust Ltd* v *High Trees House Ltd* [1947] KB 180; and see Sheridan, *supra*, note 259, at 336-340.

[265] See Sheridan, *supra*, note 259, at 339-340.

[266] See [1957] NZLR 185; and see LA Sheridan, "High Trees in New Zealand" (1958) 21 MLR 185.

[267] See Sheridan, *ibid,* at 186 (emphasis added).

[268] See *eg*, *WJ Alan & Co* v *El Nasr Export and Import Co* [1972] 2 QB 189 at 213.

[269] See Lord Denning, *The Discipline of Law* (1979) at 214-215 and, by the same author, "Recent Developments in the Doctrine of Consideration" (1952) 15 MLR 1 at 5 (this latter article is, in fact, cited by Sheridan, *supra*, note 259, at 339).

[270] See PS Atiyah, "Contract and Tort" in Ch 2 of *Lord Denning: The Judge and the Law* (Eds, JL Jowell & PWB McAuslan, 1985) at 35.

evidence) that the promisee has incurred a detriment and that whilst not conclusive, the factor of detriment ought therefore to be included as part of the doctrine of promissory estoppel, its weightage depending on the significance of other factors.[271] Looked at in this light, it is arguable that the position Sheridan adopts is not wholly at variance with the position just advocated (inasmuch as he acknowledges that the doctrine will "most frequently succeed"[272] where detriment is present), although it would appear, from the tenor of Sheridan's argument, that his approach is more consistent with Lord Denning's approach than with that of the present writer.

Turning to other areas, Sheridan appeared to be particularly interested in the law relating to *charities*.[273] Indeed, one of his earliest articles, entitled "Nature of Charity",[274] was not only very comprehensive but also integrated the local principles and case law seamlessly into the essay itself. And, very early on (in 1959), he co-wrote (with VTH Delany) The *Cy-Près Doctrine*[275] – the first British book devoted to the doctrine.[276] Significantly, perhaps, the book was dedicated to Professor JL Montrose, then Dean of the Faculty of Law in the Queen's University of Belfast "to mark the Silver Jubilee of his tenure of the Chair of Law in that University".[277] In addition, Montrose was, of course, Sheridan's doctoral thesis supervisor.[278] One significant

[271] See generally Phang, *supra*, note 112, at 202-205.

[272] See *supra*, note 267.

[273] Though see also his very comprehensive articles, "Trusts for Non-Charitable Purposes" (1953) 17 Conv 46; "Purpose Trusts and Powers" (1957-59) 4 Univ Western Australia Annual Law Rev 235; and "Power to Appoint for a Non-Charitable Purpose: A Duologue or Endacott's Ghost" (1963-64) 13 De Paul Law Rev 210. Reference may also be made to LA Sheridan, "Public and Charitable Trusts" in *Trusts and Trust-Like Devices* (Ed WA Wilson, 1981) pp 21-43 and, by the same author, "Reading the Quaran" [1956] MLJ xl (comment on *Re Alsagoff Trusts* [1956] MLJ 244).

For a piece in a somewhat unusual format, see LA Sheridan, "The Charpol Charity Quiz" (1977) 2(1) The Philantropist 14.

[274] See [1957] MLJ lxxxvi.

[275] Published by Sweet & Maxwell Ltd, London.

[276] This was shortly followed by a *First Supplement* in 1961, to take into account the subsequent enactment of the (important) Charities Act 1960; see also Hamish R Gray, *Book Review*, (1961) 3 Univ Mal LR 165. And, as for the nature of the doctrine itself, see LA Sheridan, *The Law of Trusts* (12th ed, 1993) at 181:

> The court and the Charity Commissioners both have power to make a scheme under which property devoted to a charitable purpose which cannot be satisfactorily carried out, wholly or partly, is diverted to a charitable purpose which can be wholly satisfactorily effectuated. Such a scheme, which directs application of the property in a manner as close as possible to the manner which has failed, is known as a *cy-près* scheme.

[277] See LA Sheridan and VTH Delany, *The Cy-Près Doctrine* (1959) at vi. On Montrose, see generally *supra*, note 24.

[278] And see *supra*, note 24.

feature of this work (quite apart from its obvious sensitivity toward historical as well as doctrinal development and analyses) is, once again, the citation as well as discussion of *overseas* authorities,[279] thus bringing a fuller texture and richer flavour to the book itself. Not surprisingly, this book received extremely favourable reviews.[280] One particular review is particularly striking, coming as it did from an expert in the field, JD Davies, who observed thus:

> This is an important, valuable, and challenging book. It subjects *cy-près* to a comprehensive and scientific analysis, and is filled with comment at once critical and constructive. It is an admirably complete book; a historical introduction is included, and also a consideration of procedural and drafting problems; it is a reliable reference source for practitioners, contains a clear outline for students and is stimulating for the specialist. Though not in the strict sense a comparative study, it fully merits the title of a Commonwealth textbook. Divergences and analogies in American and Commonwealth jurisdictions are cited generously and, when sufficiently important, discussed in the the text. Our legal literature contains too few studies of this nature, and it is a welcome addition to their ranks.[281]

[279] Here, 'of other self-governing countries of the Commonwealth and of the Republic of Ireland': see Sheridan and Delany, in their "Preface" to the book, *supra*, note 277, at ix. Their general approach is this regard is also eminently commonsensical and scrupulously systematic (see *ibid,* at ix–x): "Where the case-law of some other Commonwealth country appears to supply a principle different from that accepted by the English courts, the matter is discussed in the text. Where the English principle is acted upon elsewhere, the Commonwealth and Irish authorities are cited in the footnotes. Cases in footnotes are grouped territorially in this order: England, Ireland, Scotland, and then other Commonwealth cases in alphabetical order of the names of their countries of origin. A small selection of American cases is appended in places." *Cf* also Hamish R Gray, *Book Review*, (1959) 1 U Mal LR 171 at 172.

[280] One reviewer observed, *inter alia*, thus (see Gray, *supra*, note 279, at 172): "The treatment is throughout careful and exhaustive, including the systematic analysis of individual cases or lines of authority where circumstances demand it." In another review, the authors were said to "have done their job magnificently" and that "[i]n this book the authors have shed much new light on a tricky and difficult subject with their lucid analysis of the authorities and their comprehensive approach. The book is truly a product of great learning and indefatigable research. This can be easily discerned form the wealth of cases cited in the footnotes. The authors have not confined themselves to English authorities; much attention is paid to the authorities of other Commonwealth countries, including Malaya and Singapore.": see *Book Review*, [1960] MLJ x. Another reviewer described the book as "an event of some importance": see SJ Bailey, *Book Review*, [1960] CLJ 104 at 104.

[281] See JD Davies, *Book Review*, (1960) 76 LQR 598 at 598.

This book was of course not Sheridan's only work on the *cy-près* doctrine, with articles and notes being published from time to time in a variety of jurisdictions (including Canada).[282]

On a more general level, Sheridan was co-author with Professor GW Keeton of *The Modern Law of Charities* in its later editions.[283] Again, and not surprisingly, the work was generally well-received throughout its many editions,[284] including the Antipodes:[285] not least because of its trademark comparative material. It should also be pointed out that the earlier editions by Keeton alone where no less successful.[286]

This interest in the law of charities was emphasised yet again when Sheridan chose, as the topic for the prestigious Seventh Braddell Memorial Lecture[287] for 1976, the topic "The Movement for Charity Reform".[288] In

[282] See *eg*, LA Sheridan, "The Cy-près Doctrine" (1954) 32 Canadian Bar Rev 599 and "*Cy-Près* Doctrine – General Charitable Intent – Gift Out and Out – Rule Against Perpetuities – Anonymous and Identified Subscribers – Initial Impossibility and Supervening Surplus" (1956) 34 Canadian Bar Rev 1066 (for an article and a comment, respectively, prior to publication of the book mentioned in the main text); as well as "Cy-Pres in the Sixties: Judicial Activity" (1968) 6 Alberta Law Rev 16 and "Cy-pres in Spate" (1971) 1 Anglo-American Law Rev 101 (where a fair number of North American cases are in fact discussed in each of these two lastmentioned articles). Reference may also be made to "Cy-Pres in the Cyxties – Imperfect Trusts" (1966) 17 NILQ 235 (which has a fair reference to Australian and New Zealand decisions as aids to the construction of s 24 of the Charities Act (Northern Ireland) 1964). *Cf* also "Selling A Primary School" (1964) 15 NILQ 120.

[283] From the second edition (published in 1962) onwards. The third edition (published in 1983) was prepared by Sheridan alone, whilst by the time the fourth edition (published in 1992) appeared, Keeton had passed away (in 1989; see also generally Sheridan, *supra*, note 189); however, in his "Preface" to this lastmentioned edition, Sheridan, in his characteristically frank and humble way, observed (at v) thus: "This edition represents a drastic revision, but much of his [Keeton's] original work remains. Naming him as co-author is not a mere piety."

[284] See *eg*, *Book Review*, (1985) 129 Solicitors Journal 217 (review of the third edition); *Book Review*, (1993) 143 NLJ 246 (review of the fourth edition); and Charles Harpum, *Book Review*, [1993] CLJ 339 (review of the fourth edition). *Cf* Peter Luxton, *Book Review*, (1985) 36 NILQ 57 (review of the third edition).

[285] See *eg, RAS, Book Review*, (1984) 58 Australian LJ 472 (review of the third edition) and, by the same reviewer a decade later, *Book Review*, (1994) 68 Australian LJ 617 (review of the subsequent (fourth) edition); as well as *Books Noted*, (1984) 14 Melbourne Univ Law Rev 558 (review of the third edition).

[286] See *eg*, SJ Bailey, *Book Review*, [1963] CLJ 306 (review of the first edition published in 1962). But *cf* JD Davies, *Book Review*, (1964) 80 LQR 284 (review of the first edition).

[287] This lecture series was inaugurated in honour of the late Sir Roland Braddell, a leading local lawyer and scholar. See generally the "Introduction" by Professor MB Hooker in Roland St John Braddell, *The Law of the Straits Settlements – A Commentary* (Reprint of the First Edition of 1915, 1982) at v-ix (and the material cited therein). The first Braddell Memorial Lecture was delivered by Professor Ahmad Ibrahim: see *Towards A History of Law in Malaysia and Singapore* (1970).

[288] The text of the lecture is reproduced in [1976] 2 MLJ lii; the lecture itself was delivered on 30 July 1976 at the then University of Singapore.

addition to the scholarship of the lecture itself, Sheridan's facility with, as well as emphasis upon, the relevant *local* law is striking. And the conclusion to the lecture evinces a balance between theoretical concerns on the one hand and an acute sense of the practical on the other.[289]

The lecture described in the preceding paragraph was not Sheridan's final contribution in this area to local publications. In 1977, for example, he contributed a very detailed study of the legal status of trusts for the promotion or attainment of political objects[290] and is notable, amongst other things, for the inventive labelling[291] and (perhaps more importantly) what is (by now) a key distinguishing feature of his work, *ie*, the liberal and skilful use as well as comparison of precedents from a variety of jurisdictions, with a particular focus on American decisions. This lastmentioned point is not without significance when viewed against the broader tapestry of Commonwealth legal scholarship – which eschews the citation of American precedents. Sheridan, as we have seen time and again, never balked at citing decisions from foreign common law jurisdictions whenever they were relevant; and this particular occasion was no exception; indeed, he was at pains to demonstrate that "[a]n examination of the authorities will show that there is a variation from one jurisdiction to another, with a particular cleavage between the United States of America and the Commonwealth; and that within any given jurisdiction no coherent philosophy or policy has been propounded".[292] There were, of course, contributions in non-local journals as well with respect to the topic of charities.[293]

On a more general level was Sheridan's longstanding collaboration with Professor GW Keeton of London University, already referred to above in the context of the law relating to charities.[294] Keeton was in fact a quarter

[289] See *ibid,* at lxiv:

> If there is a concluding message to be derived from a study of charity law and of recent proposals for its reform, that message is probably in several parts. First, tidying up the edges is necessary, but that does not mean that the whole corpus must be destroyed in the interest of a fresh start. Secondly, a change in the law is not necessarily an improvement merely because a number of vociferous people have an interest in bringing it about. Finally, it is seldom good sense to spend more on supervision than would be wasted by lack of that supervision. The law must move with the times and vary with the requirements of places, so a reformer's task is never done, but principles are not obsolete just because they are old and wisdom has existed before our generation.

[290] See LA Sheridan, "The Political Muddle – A Charitable View?" (1977) 19 Mal LR 42. See also Sheridan, *supra*, note 155.

[291] The "Introduction" and "Conclusion" are, *eg*, reversed. *Cf* also his "The Further Adventures of A, B, and C" (1958) 1(3) Me Judice 3.

[292] See Sheridan, *supra*, note 290, at 80.

[293] See *eg*, LA Sheridan, "Waiting for Goodman" (1976) 5 Anglo-American Law Rev 153.

[294] As to which see *supra*, note 283.

of a century Sheridan's senior,[295] but they soon struck up a close-knit friendship: which is evidenced, *inter alia*, Sheridan's wonderful essay on Keeton on his passing.[296] They did in fact co-write (as we shall see) a great many works together, but the one that stands out (in addition, or even perhaps in comparison to, their joint work on charities)[297] must surely be *The Modern Law of Trusts*, whose origin may be traced to Professor Keeton's treatise that began its 'life' in 1934; it is now in its thirteenth edition: no mean feat, although it should be pointed out that Sheridan has been solely responsible for the last three editions (from the eleventh edition onwards). Sheridan's own direct participation may apparently be traced back to his contribution of an "Irish Supplement" to the Seventh Edition of the work.[298] However, Sheridan became directly involved in the work as a whole in the Tenth Edition.[299] Generally, each edition has garnered positive reviews: whether they were the product of the sole hand of Keeton[300] or the combined efforts

[295] And see *infra*, note 299.

[296] See Sheridan, "George Williams Keeton 1902-1989", *supra*, note 189.

[297] See *supra*, note 283.

[298] Published by Sir Isaac Pitman & Sons Ltd in 1957. Sheridan had, at that particular point in time, already assumed his position as Professor of Law and Dean at the Singapore law school.

[299] Published by Professional Books Limited in 1974. Sheridan was apparently, up to that particular point in time, the editor of the Irish edition of the work: see *eg*, George W Keeton in his "Preface" in *The Law of Trusts* (9th ed, 1968).

Significantly, Sheridan has noted (see Sheridan, "George Williams Keeton 1902-1989", *supra*, note 189, at 347) thus:

> 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.

[300] See *eg*, Austin Wakeman Scott, *Book Review*, (1935) 48 Harvard Law Rev 535 (review of the first edition); EF Whitmore, *Book Review*, (1935-36) 1 Univ Toronto LJ 405 (review of the first edition); JW Brunyate, *Book Review*, (1934) LQR 597 (review of the first edition); Philip Mechem, *Book Review*, (1934) 20 Iowa Law Rev 168 (review of the first edition); *Book Review*, (1934) 58 Irish LT 276 (review of the first edition); *Book Review*, (1934) 78 Solicitors' Journal 600 (review of the first edition); SJB, *Book Review*, (1934) JSPTL 54 (review of the first edition); *Book Review*, (1934) The Solicitor 99 (review of the first edition); *Book Review*, (1934) 78 Solicitors Journal 600 (review of the first edition); *Book Review*, (1934) 46 Juridical Rev 305 (review of the first edition); SJB, *Book Review*, 6 CLJ 465 (review of the second edition); *Book Review*, (1938) 72 Irish LT 50 (review of the second edition); GF Curtis, *Book Review*, (1939-40) 3 Univ Toronto LJ 238 (review of the second edition); *Book Review*, (1949) 83 Irish LT 113 (review of the fourth edition); JD Arnup, *Book Review*, (1951) 29 Canadian Bar Rev 116 (review of the fifth edition); FW Taylor, *Book Review*, (1952-54) 2 JSPTL (NS) 251 (review of the sixth edition); MRR Davies, *Book Review*, (1954) 17 MLR 490 (review of the sixth edition); Lewis M Simes, *Book Review*, (1955) 4 American J Comp Law 115 (review of the sixth edition); EC Ryder, *Book Review*, (1958) 74 LQR 118 (review of the seventh edition); and D Jackson, *Book Review*, (1964) 6 Mal LR 205 (review of the eighth edition).

of both Keeton and Sheridan.[301] However, it should also be pointed out that the latest editions have tended to garner somewhat mixed reactions.[302] And it may be mentioned that in the "Preface" to the Twelfth Edition,[303] Sheridan noted that "[t]he substance of this edition is a solo effort",[304] and Professor Keeton had in fact passed away in 1989, some six years after the preceding edition and four years prior to the present. Indeed, Professor Keeton had, in point of fact, not joined substantively in the preparation of this work since the Eleventh Edition, published in 1983.[305]

Another collaborative effort by these authors, *Equity*,[306] has also (as far as reviews go) engendered a somewhat mixed response.[307] Yet another work

[301] See *eg*, some of the reviews mentioned in the note immediately following.

[302] *Cf eg*, CT Emery, *Book Review*, (1984) 134 NLJ 66 (review of the eleventh edition) – where, however, the criticism appears to be concerned, in the main, with the price *vis-à-vis* students; and *cf*, in this regard, Susan Howdle, *Book Review*, (1984) 35 NILQ 403 who, in a review of the same edition, expressed the view (*ibid,* at 403) that "the price indicates that practitioners and professional trustees may now be the potential purchasers, and there is much in the work to recommend it to them". KL Hodkinson, however, *Book Review*, [1984] Conv 232 at 233-234 also expressed some negative concern with the price charged for the book; he did, however, observe (*ibid,* at 233) that the work was "remarkably different from the standard trusts book in temper and approach. Perhaps this is why it is such an enjoyable read, though, I suspect, difficult for beginners". DW Fox, *Book Review*, (1984) 14 Family Law 252 was very positive about the work, but also expressed reservations about the price of the book. It certainly appears that the eleventh edition marked a real watershed insofar as the price of the book was concerned.

Reference may also be made to David Jackson's review of the *tenth* edition, where he is of the view that the work is somewhat dated compared to a newer work that was also published at approximately the same time (*viz*, the then third edition of David B Parker and Anthony R Mellows's *The Modern Law of Trusts*): see *Book Review*, (1976) 92 LQR 135. Reference may also be made, in this regard, to MA Neave, *Book Review*, (1975) 10 Melbourne Univ Law Rev 159, esp at 160 (also a review of the tenth edition).

[303] Published by Barry Rose Law Publishers Ltd in 1993.

[304] See *ibid,* at xiii. This is reflected in the title page, which is simply entitled *The Law of Trusts*, although the actual cover of the book is still entitled *Keeton and Sheridan's The Law of Trusts*.

[305] See Sheridan's "Preface" in LA Sheridan and George W Keeton, *The Law of Trusts* (11th ed, 1983) at v.

[306] Published by Sir Isaac Pitman and Sons Ltd, 1969. The second edition was published by Professional Books Limited in 1976 and the third edition by Kluwer Law Publishers in 1987 (in this lastmentioned edition, Professor Keeton participated but Professor Sheridan did most of the work).

[307] *Cf eg, Book Review*, [1970] 1 MLJ xliv (review of the first edition) and *Book Review*, (1987) 131 Solicitors Journal 1207 (review of the third edition) with SM Cretney, *Book Review*, (1971) 87 LQR 426 (review of the first edition) and Terence Wade, *Book Review*, (1977) 23 McGill LJ 711 (review of the second edition). The positive reviews are to be found in the former batch of reviews cited.

was entitled *A Casebook on Equity and the Law of Trusts*.[308]

There is yet another work that left a deep impression on the present writer's mind – Keeton and Sheridan's *The Comparative Law of Trusts in the Commonwealth and the Irish Republic*, published in 1976.[309] I recall, as I suppose most pragmatic law students would do, turning immediately to the chapter entitled "Trusts in Malaysia and Singapore", which was then a succinct and perceptive description that (most importantly) took into account all the relevant local case law. However, as I looked at the other chapters, I was amazed by the sheer number of jurisdictions and the scholarship (both doctrinal as well as analytical) that were contained within the compass of a mere three hundred and fifty pages or so.[310] As I returned (approximately two decades later) to the work in the process of preparing the present essay, I am still amazed. To be sure, the work is now dated[311] but its range as well as scholarship are still amazing. The work itself is divided into two main parts: the first (Part One) is entitled "Trusts in the British Isles" and comprises four chapters, covering the law of trusts in England, Scotland, the Irish Republic, and Northern Ireland, respectively. The second (Part Two) is entitled "Trusts in the Commonwealth", and covers (within the compass of seven erudite chapters) the law of trusts in New Zealand, Australia, India, Sri Lanka, Canada, Cyprus and West Africa, as well as Malaysia and Singapore, respectively. An eighth chapter is entitled "Some Conclusions Upon Trusts in the Commonwealth". As already mentioned, the overall work is impressive: it is one thing to effect a comparative study of the relevant law as between two legal systems; this work is a veritable *tour-de-force*, dealing with the law of trusts in so very many jurisdictions. It is interesting, however, to note that in his tribute essay to Keeton, Sheridan indicates that the impetus and (in particular, overseas) connections for the book are attributable to Keeton.[312] This is particularly generous since Sheridan was himself a comparative scholar of high pedigree.

However, there was one particular work by Keeton and Sheridan that received (when judged by their high standards of scholarship) a rather disappointing response: *Digest of the English Law of Trusts*, published in

[308] 2nd ed, and published by Professional Books Limited, 1974. The first edition was by Professor Keeton alone.

[309] By Barry Rose (Publishers) Limited.

[310] A clue, perhaps, to the enormous amount of work required is embodied in the authors' observation in their "Preface" to the effect that "[t]he book has been a while going through the press": see George W Keeton and LA Sheridan, *The Comparative Law of Trusts in the Commonwealth and the Irish Republic* (1976) at xii.

[311] A supplement was, however, produced in 1981 (published by Barry Rose).

[312] See Sheridan, "George Williams Keeton 1902-1989", *supra*, note 189, at 341.

1979,[313] which set out its contents in the form of a *code*.[314] The principal problems with the work appeared to be the perceived unsuitability of attempting to *codify* the law of trusts[315] and, as a subsidiary point, the fact that the authors merely cross-referred to their own works and no others.[316] However, that having been said, it should be noted that a *Japanese* translation of this book was published in 1988.[317] It is also worthy to note that this was "the only book on which we [*ie*, Keeton and Sheridan] worked together from scratch, as opposed to my [*ie*, Sheridan] joining him as co-author when the work was already under way or proceeding to a new edition".[318]

There were also a few other extremely short books (monographs, really, of under 50 pages each) by Keeton and Sheridan that (perhaps because of their very specific subject-matter as well as, as just seen, their very short length) did not receive the traditionally favourable reviews received for their other works; this resulted in, *inter alia*, a confusion as to who the precise target audience was. This included *Equity: Rights Protected by Injunction*;[319] *Equity: Chancery Procedure and the Nature of Injunctions*;[320]

[313] By Professional Books Limited.

[314] And see the opening sentence of the "Preface" itself: "The scheme of this book is to set out the law of trusts in 205 sections, as might be found in a code, the sections being generally accompanied by explanatory notes and illustrations drawn from decided cases".

[315] See *eg, Book Review*, (1980) 124 Solicitors Journal 324; Nigel P Gravells, *Book Review*, (1981) 97 LQR 665 at 667; Barry Denyer-Green, *Book Review*, (1980) 10 Kingston Law Rev 94; and IJ Hardingham, *Books Noted*, (1981) 13 Melbourne Univ Law Rev 119. *Cf Book Review*, (1980) 130 NLJ 457 and Catherine Hand, *Book Review*, (1980) 43 MLR 488.

[316] The authors state this in the "Preface" itself; and see *eg, Book Review*, (1980) 124 Solicitors Journal 324; Gravells, *supra*, note 315, at 667; and Hand, *supra*, note 315; and *cf* Hardingham, *supra*, note 315.

[317] And, as Sheridan added: "[N]eedless to say with little but permission and encouragement coming from George Keeton or me" (Personal communication to the author). See also Sheridan, "George Williams Keeton 1902-1989", *supra*, note 189, at 347.

[318] See Sheridan, "George Williams Keeton 1902-1989", *supra*, note 189, at 346. Sheridan also observes (*ibid* at 347) thus:

> 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 ... 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.

[319] Published by Barry Rose Publishers Ltd in 1984; and see *Book Review*, (1985) 129 Solicitors Journal 217. Though *cf Book Notice*, (1985) 14 ILJ 272.

[320] Published by Barry Rose Publishers Ltd in 1982 (40 pp); and see David J Hurst, *Book Review*, (1983) 34 NILQ 259.

and *The Nature of Equity*,[321] although one title, *Equity in the Supreme Court*,[322] appeared to fare better, at least in the eyes of one reviewer.[323]

D. *Public Law*

This was another of Sheridan's primary areas of research, particularly as manifested in his many publications. A few of Sheridan's studies were extremely lengthy (testifying to his great eye for detail) and comparative in nature (a theme we have regularly encountered throughout the course of the present essay): one striking instance is his study entitled "Constitutional Protection of Property", which was published in six successive issues of the *Malayan Law Journal* in the latter half of 1962,[324] which clearly bears testimony to Sheridan's immense scholarship and the close relationship between Sheridan on the one hand and the founder of the *Journal*, Bashir A Mallal, on the other.[325] Indeed, those articles were subsequently compiled into a book entitled *Constitutional Protection: Expropriation and Restrictions on Property Rights*,[326] and the following dedication by Sheridan to Mallal is particularly significant:

> This book is dedicated to Dr Bashir Ahmad Mallal to mark specifically the award to him by the University of Singapore of the honorary degree of Doctor of Laws and generally the unfailing assistance he has given me during my tenure of the Chair of Law there.

[321] Published by Barry Rose Publishers Ltd in 1985; and see *Book Review*, (1985) 129 Solicitors Journal 217. But *cf* the positive review by David Capper, *Book Review*, (1985) 36 NILQ 274.

[322] Published by Barry Rose Publishers Ltd in 1985; this work is in fact 64 pages long.

[323] See *Book Review*, (1985) 129 Solicitors Journal 792.

[324] See [1962] MLJ lxv; [1962] MLJ lxxiii; [1962] MLJ lxxxix; [1962] MLJ cv; [1962] MLJ cxxv; and [1962] MLJ cxli. Sheridan examined, *inter alia*, the respective positions in the then Indian, Pakistani and Federation of Malaya. See also his article entitled "The Mysterious Case of the Disappearing Business: *Government of Malaysia* v *Selangor Pilot Association*" (1977) 4 JMCL 1 as well as, generally, AJ Harding, "Property Rights under the Malaysian Constitution" in *The Constitution of Malaysia – Further Perspectives and Developments (Essays in Honour of Tun Mohamed Suffian* (Eds FA Trindade and HP Lee, 1986) at Ch 4. And see, in the Irish context, LA Sheridan, "Nationalisation and Section 5: meaning of '... Take any Property without Compensation" (1952-54) 10 NILQ 183 and, by the same author, "Taking Property Without Compensation – Severability of Statutes – Value as Precedent of Court of Appeal Decision Given Without Jurisdiction" (1954) 17 MLR 249.

[325] See also *supra*, notes 150 and 152, as well as the main text immediately following.

[326] Published jointly by the Malayan Law Journal Pte Ltd, Singapore and Oceana Publications Inc, New York (in association with the Malaya Law Review), 1963.

> The proceeds of sale of this book are being devoted to the establishment in the University of Singapore of a prize for mooting. This prize will be called the BA Mallal Moot Prize.[327]

Another essay demonstrating similar general characteristics described in the preceding paragraph was entitled "A Digest of Dismissal and Reduction in Rank (Constitutional Protection for Civil Servants in India, Pakistan and Malaya)",[328] and concerned a topic in the field that Sheridan showed a fair interest for, and may be illustrative of his concern for individual freedom and liberty (here, in the context of public employment).[329] Sheridan was, of course, equally adept at shorter pieces as well.[330]

It should, however, be noted that Sheridan was equally adept at overview pieces, whether short[331] or lengthy.[332] And such publications were, it should be mentioned, extremely important, given the significant constitutional changes that were taking place in the local context. And all this was tempered by Sheridan's acute understanding of local conditions and realities: on one occasion, for example, he observed (in the context of Singapore's separation from Malaysia) that "Singapore has to face the difficulty of reconciling

[327] See *ibid,* at vii. The BA Mallal Moot Prize is in existence even today.

[328] See [1962] Public Law 260.

[329] See also LA Sheridan, "Equal Opportunity of Public Employment (Non-discrimination in public services in India)" (1962) 11 ICLQ 782. *Cf* also, by the same author, "Protection of Justices" (1951) 14 MLR 267.
And in a somewhat related vein (albeit in the sphere of administrative law), see *eg*, LA Sheridan, "Sacking Professors and Sending Down Students: Legal Control" in *Law, Justice and Equity – Essays in tribute to GW Keeton* (Eds RH Code Holland and G Schwarzenberger, 1967) at Ch 4. *Cf*, by the same author, "Backing Professors and Sending Up Students" (1985) 36 NILQ 13.

[330] See *eg*, LA Sheridan, "Right to Counsel" [1958] MLJ xli; "Extraterritorial Colonial Legislation" (1960) 23 MLR 77; "Prohibition and the Judicial Function" (1959) 1 Univ Malaya Law Rev 160; "The Religion of the Federation" [1988] 2 MLJ xiii; as well as "Professional Discipline, Procedure and the Privy Council: Singapore" [1989] Public Law 389.

[331] See *eg*, LA Sheridan, "Singapore's New Constitution" [1959] MLJ xxv and, by the same author, "Federation of Malaya's New Constitution" [1957] MLJ lxiii as well as "The Constitutional and Legal Implications and Problems in the Separation of Singapore from Malaysia" (1966) 1 Fiat Justitia 47. Reference may also be made (in the context of Northern Ireland, albeit less in the context of an overview as such) to his "Editorial" (1973) 2 Anglo-American Law Rev 423.

[332] See *eg*, LA Sheridan, "The Constitution of the Federation of Malaya" (1960) 9 *Jahrbuch des Öffentlichen Rechts der Gegenwart* 297 and, by the same author, "Constitutional Problems of Malaysia" (1964) 13 ICLQ 1349; "From the Federation of Malaya to Malaysia" (1965) 14 *Jahrbuch des Öffentlichen Rechts der Gegenwart* 543; and "Constitutional Adjudication in Malaysia" (1966) 2 *Die moderne Demokratie und ihr Recht* (Modern Constitutionalism and Democracy) 581.

fundamental liberties (*eg*, freedom of speech and association) with fighting communism and communalism".[333] And on another occasion, he perceptively observed that "[c]ensorship and detention are known in the politest circles in time of emergency".[334]

Sheridan's contribution to constitutional law also took the form of an impressive series of books. An early work is *The Federation of Malaya Constitution – Text, Annotations and Commentary*, published in 1961,[335] and which was a text of the Constitution, accompanied by annotations and commentary. This book was well-received; one review noted that "[c]larity in exposition is the hall-mark of this book, which quality, no doubt, stems from a rigid adherence to precision in language";[336] it also noted the citation of comparative material from a wide variety of other jurisdictions.[337] This was in fact the initial work, from which he was (in collaboration with Professor Harry Groves) to develop a leading commentary on the Malaysian Constitution. Ironically, perhaps, Groves was also a reviewer of Sheridan's earlier work.[338] In the event, Sheridan and Groves collaborated to produce *The Constitution of Malaysia*, which was published in 1967.[339] Apart from one (rather unduly) negative review,[340] the reception of the work was very positive;[341] Yardley, for example (a leading academic in the field) described the book as "an accurate, comprehensive and stimulating volume".[342] And

[333] See Sheridan, "The Constitutional and Legal Implications and Problems in the Separation of Singapore from Malaysia", *supra*, note 331, at 49.

[334] See Sheridan, "Constitutional Problems of Malaysia", *supra*, note 332, at 1365.

[335] By the University of Malaya Law Review. This comprised the revised book version of a series of articles written with a view to the final production of the book itself: see generally "The Federation of Malaya Constitution – Part One" (1959) 1 Univ Malaya Law Rev 137; "The Federation of Malaya Constitution – Parts Two and Three" (1959) 1 Univ Malaya Law Rev 175; "The Federation of Malaya Constitution – Parts Four and Fourteen" (1960) 2 Univ Malaya Law Rev 29; and "The Federation of Malaya Constitution – Parts Five to Thirteen" (1960) 2 Univ Malaya Law Rev 246. In the first of these articles, Sheridan observed at the outset thus: "This article is the first of a series designed, when completed, to form as a whole an annotated version of the Federation of Malaya Constitution": see *supra*, at 137.

[336] See *Book Review*, [1961] MLJ xxvi.

[337] See *ibid*. Reference may also be made to the positive review by FR Beasley in (1961) 3 Univ Mal LR 350.

[338] See *eg*, HE Groves, *Book Review*, (1963) 5 Mal LR 203 (Review of LA Sheridan's *Constitutional Protection* (1963)).

[339] By Oceana Publications Inc, New York. This particular work was described therein as "A completely rewritten and augmented edition of *The Federation of Malaya Constitution* by LA Sheridan".

[340] See Visu Sinnadurai, *Book Review*, (1968) 10 Mal LR 355.

[341] Some reviews were merely descriptive, though: see *eg, Book Review*, [1968] 1 MLJ lii.

[342] See DCM Yardley, *Book Review*, (1968) 31 MLR 717 at 717.

in the subsequent (third[343] edition of the book,[344] Professor Andrew Harding (another leading expert in the constitutional law of Singapore and Malaysia) described the work as covering "all constitutional developments over this period [between 1967, the year of the previous edition and 1979, the date of the present edition] in commendable detail, with everything put in its proper place and perspective".[345] Indeed, he proceeded to observe that "[t]he annotations display a great deal of careful, painstaking scholarship. As a result hardly anything is omitted, and every possible opportunity for reference and cross-reference is seized – these annotations alone are an invaluable contribution which will greatly assist students, teachers and lawyers."[346] He concluded by stating that "[t]eachers and lawyers will find it the kind of reference work one wonders how one ever did without".[347] The latest edition of the work is the fourth edition; however, this was published in 1987,[348] and is thus very dated. This is unfortunate, although there is now an up-to-date casebook on the market.[349]

E. *Land Law*

Sheridan was also active in the study of land law and wrote on a wide variety of topics. For instance, he examined (in the context of agreements for a lease) the rule in *Walsh* v *Lonsdale*[350] in Ireland.[351] He also wrote with respect to the topic of licences.[352] And for an irretrievably technical area of the law, he had the gift of remarkable clarity: for instance with respect to his discussion of the doctrine of notice (in its various forms, "actual", "constructive" and "imputed", as well as in relation to registra-

[343] Published in 1979 by the Malayan Law Journal (Pte) Ltd. It was obviously thought that first edition status was to be accorded to Sheridan's initial book (see *supra*, note 335), and that the first collaborative volume by both Sheridan and Groves (see *supra*, note 339) was to be accorded the status of a second edition instead.

[344] See LA Sheridan and HE Groves, *The Constitution of Malaysia* (3rd ed, 1979), and now published by the Malayan Law Journal.

[345] See AJ Harding, *Book Review*, (1980) 22 Mal LR 195 at 195.

[346] See *ibid*. However, he did observe that the commentaries were "generally brief", although he also acknowledged that this was probably due to the fact that the authors were "content to refer to more detailed studies without expressing their own views" (see *ibid*).

[347] See *ibid,* at 196.

[348] By the Malayan Law Journal (Pte) Ltd.

[349] See Tan and Thio, *supra*, note 194.

[350] (1882) 21 ChD 9.

[351] See LA Sheridan, "Walsh v Lonsdale in Ireland"(1950-52) 9 NILQ 190.

[352] See LA Sheridan, "Licences to Live in Houses" (1953) 17 Conv 440.

tion).[353] Sheridan also authored a book entitled *Rights in Security*,[354] which (it should be mentioned) not only deals with the various types of security available with respect to land but also with respect to other forms of property as well.

However, perhaps one of the more interesting essays in this genre was entitled "Land Law and Its Teaching".[355] Land law, it must be frankly admitted, is not (perhaps because of its perceived technicality and complexity) a universal favourite of law students. Sheridan equally frankly observes that this unsatisfactory state of affairs is due in large part to the unnecessarily archaic and technical content of land law itself; reform in content was thus required, not least the acknowledgment that other property exists and, consequently, the shift towards the teaching of a "Law of Property" instead.

It is appropriate also to note a series of short monographs on mortgages published through the collaborative efforts of both Sheridan and Keeton, all of which were published by the same publisher in the same year:[356] see *Kinds of Mortgage and Lien; Relation of the Parties to Mortgaged Land; Priority of Successive Mortgages; Redemption of Mortgages*; and *Remedies of the Mortgagee to Enforce His Security*.

However, it appears that Sheridan was most pleased in this particular sphere of the law[357] with a joint report (co-written with three others)[358] entitled *Survey of the Land Law of Northern Ireland.*[359] I finally caught sight of it during my visit with the Sheridans: it is a massive and comprehensive piece of work and, in Professor Sheridan's own words, "it consists of a survey of the then state of the law, proposals for change and draft bills to give effect to those proposals."[360]

[353] See LA Sheridan, "Notice and Registration" (1950-52) 9 NILQ 33. Included also were "Proposals for Reform": see *ibid,* at 44-45. For examples of other pieces in the field, see also his "Mortgages of Leaseholds by Way of Legal Charge: Relief from Forfeiture" (1955) 18 MLR 301; "Land Registry (Miscellaneous Provisions) Act (NI) 1962, c 18" (1964) 15 NILQ 263; and "The Anglo-Irish Gage" (1968) 19 NILQ 54. He also contributed an Irish Supplement to Challis's *Real Property* (Butterworth, 1956) (There was no edition number and was only done once as a Supplement to the 3rd ed of *Challis's Real Property* by Charles Sweet (Butterworth, 1911)).

[354] Published by Collins, London and Glasgow, 1974.

[355] See (1952-54) 10 NILQ 127.

[356] *Viz*, Barry Rose Publishers, 1985.

[357] As gathered from my personal interview with him on 10 May 1999.

[358] *Viz*, BW Harvey, E Tenenbaum and JCW Wylie.

[359] Belfast, Her Majesty's Stationery Office, 1971 (report to the Law Reform Office of the Government of Northern Ireland).

[360] Personal interview by the author with Professor Sheridan on 10 May 1999.

Finally, it is perhaps of particular significance to note the following acknowledgment by Professors Morris and Leach in their classic work, *The Rule Against Perpetuities:*

> Dr Sheridan proved an ideal critic – patient, shrewd and urbane – and his penetrating comments shed a flood of light into many dark places.[361]

F. *"The Work Continues"*

Remarkably, Sheridan continues with his scholarly endeavours, even many years after retirement. Apart from various individual pieces,[362] Sheridan has just completed a new work[363] and what is essentially a new edition of several works collected in one volume.[364]

IV. Conclusion

The focus of this essay has been on "Sheridan in the law", so to speak, although I hope to have attempted to have captured a little of "Sheridan the man" in the process. Arriving in Singapore at the'tender' age of twenty nine, Sheridan gave seven intense years that saw the establishment of the foundations of what was later to become a top-rate law school with a law library of equal stature. At the expense of lapsing into cliches, it is clear, however, that a top-rate law school comprises not just its physical buildings; it requires an academic staff of dedication and scholarship as well as a student body able and willing to dedicate itself to the study of the law, both doctrinal as well as theoretical. Indeed, even the law library is more than just its physical structure, or even the volumes that line the shelves within: its establishment requires dedication and foresight (and, in the case of the Singapore law library (as we have seen) a little providence), and all these require the efforts of *people*. It is notoriously true, however, that it is easier to build physical structures (even grand ones) than to choose the appropriate people and (still more) to motivate and inspire them. In

[361] See JHC Morris and W Barton Leach, *The Rule Against Perpetuities* (1956) at viii.

[362] See *eg*, Sheridan, "George Williams Keeton 1902-1989", *supra*, note 189 and, by the same author, "Charity Investments under the Charities Act 1992" (1992-93) 1 Charity Law and Practice Review 113; "Charitable Trusts Validation Act 1954: A Case for Reform" (1993-94) 2 Charity Law and Practice Review 1; and "Cy-près Application of Three Holloway Pictures" (1993-94) 2 Charity Law and Practice Review 181.

[363] It has very recently been published: see LA Sheridan, *The Barry Rose Charity Statutes* (Barry Rose Law Publishers Ltd, 1999).

[364] See *Injunctions and Similar Orders* (forthcoming by Barry Rose Law Publishers Ltd, 1999).

this respect, Sheridan (as I have attempted to demonstrate) exhibited tremendous vision and (for the most part at least) wisdom in judgment. He was able to staff the local law faculty with academics and teachers of the highest calibre and ensured that there was, as far as was possible, equal opportunity to all who wished to study the law; in this latter regard, he also ensured that the most appropriate syllabi obtained, emphasising the local law; attempted to instil creativity in both teaching as well as examinations; and restored the right balance to both theory and practice (a balance, it should be added, often woefully missing in even some of the better law schools today). "Sheridan the Dean", it may be aptly said, was the major motive force behind the achievements in the various directions briefly summarised in the instant paragraph; indeed, it might even be appropriate to invoke the term "Sheridan Dean Three Times", as, indeed, Sheridan was (as we have seen) to move on to become Dean at two more law schools: at Queen's University and University College, Cardiff, respectively. Our focus has, of course, been on Singapore where it is suggested (not without some perceived bias, though) that Sheridan made his most significant contribution. Indeed, part of the title of this essay attempts to capture this in the term "Founding Father".

Founding and running a successful law school is, in and of itself, a tremendous achievement. Sheridan, of course, also helped found the law school at University College, Cardiff, thus emphasising his consummate skill in this regard. However, Sheridan was, as the other main part of the title of this essay attempts to convey, a "legal scholar". Not just any mediocre academic who has pretensions to scholarly grandure but, rather, a scholar of the first rank – one who published, right from the outset of his career, in the best international journals and who brought something of the tradition in those journals to the then *University of Malaya Law Review*: a tradition that has been developed and nurtured over four decades, culminating in citations of articles published therein not only in local (*ie*, Singapore and Malaysian) courts but also in some of the highest courts of the Commonwealth.[365] He also published in a wide variety of formats: not merely in the periodical literature but he also published (as we have seen) leading works and textbooks as well. And he continues to be active in publishing scholarly works even today,[366] at an age when virtually all academics in a similar position would have long stowed away their writing gear. The range of his scholarship also bears repeating: from legal education to legal systems to land law to equity and trusts to public law: as well as forays

[365] See *supra*, notes 141-143.
[366] See *supra*, notes 362-364.

into other academic fields from time to time. Quality was also accompanied by an astonishing quantity. Given Sheridan's many (and weighty) administrative duties throughout his academic career, his scholarly achievements are truly remarkable.

In the final analysis, despite his many achievements, Sheridan has been (and will be) constantly remembered for his immeasurable contributions towards legal education in Singapore.

Professor Bernard Brown, for example, observed that:

> Without Lee Sheridan, without the Sheridans, legal education in Singapore would have received a different start. *It is inconceivable that it could have been given a better one.*[367]

Professor Harry Groves said this of Sheridan:

> My recollection of his leadership of the law school was that of a man of great energy, enormous academic political skill, insight into human nature, intellectual leadership and warm and courteous behaviour. *The school of which he was the founding dean is a lasting tribute to his abilities. He built well, indeed.*[368]

And Professor Hickling observed, in similar vein, thus:

> *Whether they knew it or not, generations* of law graduates in Singapore *have been, and continue to be, touched with his influence. This is immortality, of a sort.*[369]

As the Singapore law faculty enters into a new millennium, and into the final decade before its golden jubilee, it is only fitting for all who are (and have been) associated with it to pay tribute to the very considerable achievements of a man who, in a step of faith, sailed thousands of miles to Singapore and helped build the foundations of a law school that now stands as a living monument to his achievements for all time.

ANDREW PHANG*

[367] See *Tribute, supra,* note 5, at 7 (emphasis added).
[368] See *ibid* (emphasis added).
[369] See *ibid* (emphasis added).

* LLB (NUS), LLM, SJD (Harvard); Advocate & Solicitor (Singapore); Associate Professor, Faculty of Law, National University of Singapore.

APPENDIX

THE PUBLICATIONS OF LA SHERIDAN*

Written in Northern Ireland 1949-1956

1. Northern Ireland notes and annotations in eleven property titles in *Halsbury's Statutes,* 2nd ed.

2. "Some Aspects of Legal Mortgages", (1950) 52 *Journal of the Institute of Bankers in Ireland* 114-127 (text of a lecture to the Belfast branch).

3. "Notice and Registration", (1950-52) 9 *Northern Ireland Legal Quarterly* 33-45.

4. "Protection of Justices", (1951) 14 *Modern Law Review* 267-278.

5. "English and Irish Secret Trusts", (1951) 67 *Law Quarterly Review* 314-329.

6. "Registration and the Priority of Securities", (1951) 53 *Journal of the Institute of Bankers in Ireland* 259-270 (text of a lecture to the Belfast branch).

7. "Reflections on Irish Deposit Receipts", (1950-52) 9 *Northern Ireland Legal Quarterly* 101-109.

8. "Irish Private Law and the English Lawyer", (1952) 1 *International and Comparative Law Quarterly* 196-212.

9. "Equitable Estoppel Today", (1952) 15 *Modern Law Review* 325-342.

10. Irish Supplement to GW Keeton's *Introduction to Equity*, 3rd ed.

11. "Howe v Lord Dartmouth Re-examined", (1952) 16 *Conveyancer and Property Lawyer* 349-359.

12. "Walsh v Lonsdale in Ireland", (1950-52) 9 *Northern Ireland Legal Quarterly* 190- 200.

13. "Trusts for Non-charitable Purposes", (1953) 17 *Conveyancer and Property Lawyer* 46-69.

* The following list of publications is presented in chronological order, and does not include books reviews, newspaper articles, notes in reply to comments or forewords to books by other authors. As Professor Sheridan furnished this list personally, this is the most definitive list of all his major writings.

14. "Licences to Live in Houses", (1953) 17 *Conveyancer and Property Lawyer* 440- 471.

15. "Taking Property Without Compensation – Severability of Statutes – Value as Precedent of Court of Appeal Decision Given Without Jurisdiction" (Case note on *Ulster Transport Authority* v *James Brown & Sons Ltd*), (1954) 17 *Modern Law Review* 249-255.

16. "Land Law and its Teaching", (1952-54) 10 *Northern Ireland Legal Quarterly* 127-134.

17. "The Cy-près Doctrine", (1954) 32 Canadian Bar Review 599-623.

18. "Nationalisation and Section 5: Meaning of '... Take any Property without Compensation'", (1952-54) 10 *Northern Ireland Legal Quarterly* 183-205.

19. "Informal Gifts of Choses in Action", (1955) 33 *Canadian Bar Review* 284-320.

20. "Mortgages of Leaseholds by Way of Legal Charge: Relief from Forfeiture" (case notes), (1955) 18 *Modern Law Review* 301-303.

21. "Fraud and Surprise in Legal Proceedings", (1955) 18 *Modern Law Review* 441-451.

22. Chapters 16-20 and 54 in *The United Kingdom* (Sweet & Maxwell's British Commonwealth series).

23. "Excusable Breaches of Trust", (1955) 19 *Conveyancer and Property Lawyer* 420-440.

24. "Flowers Rides Again" (case note), (1956) 19 *Modern Law Review* 308-309.

25. Irish Supplement to the 3rd ed of *Challis's Real Property* (Butterworth, 1956).

26. "Late National Insurance Claims: Cause for Delay", (1956) 19 *Modern Law Review* 341-364.

27. Irish Supplement to GW Keeton's *Introduction to Equity*, 4th ed.

28. *Fraud in Equity* (book version of PhD thesis; published in 1957 by Sir Isaac Pitman & Sons Ltd, London; and sub-titled "A Study in English and Irish Law").

29. "Equity" (pp 19-21) and "Trusts" (pp 46-48) in the Institute of Advanced Legal Studies, *Bibliographical Guide to United Kingdom Law* (1st ed, 1956; for the 2nd ed, see S/No 118 below).

30. "Compensation for Industrial Injuries", (1954-56) 11 *Northern Ireland Legal Quarterly* 219-222.

31. "Cy-Près Doctrine – General Charitable Intent – Gift Out and Out – Rule Against Perpetuities – Anonymous and Identified Subscribers – Initial Impossibility and Supervening Surplus" (case note), (1956) 34 *Canadian Bar Review* 1066-1073.

32. "National Insurance Adjudication", (1956) 19 *Journal of the Statistical and Social Inquiry Society of Ireland* 29-40 (lecture given to the Belfast branch).

33. Irish Supplement to GW Keeton's *The Law of Trusts* (7th ed, Sir Isaac Pitman & Sons Ltd, 1957).

Written in Singapore 1956-1963

34. *University Law* (inaugural lecture, published by the University of Malaya, reprinted in 3 *Singapore Police Magazine* 14 and abridged in [1956] *Malayan Law Journal* xxviii).

35. "Reading the Quran" (case note), [1956] *Malayan Law Journal* xl-xli.

36. "Protective Trusts", (1957) 21 *Conveyancer and Property Lawyer* 110-116.

37. "Legal Education in Malaya", (1957) 4 *Journal of the Society of Public Teachers of Law (New Series)* 19-26.

38. "Trusts for Paying Debts", (1957) 21 *Conveyancer and Property Lawyer* 280-292.

39. *Elementary Law – An Introduction for the Malayan Citizen* (Published by Donald Moore, 1957 for the Singapore Council for Adult Education) (book version, with Tan Boon Teik, of "Radio Law" broadcasts).

40. "Federation of Malaya's New Constitution", [1957] *Malayan Law Journal* (special Merdeka number) lxiii-lxv.

41. "The Changing Conception of the Commonwealth", (1957) *Year Book of World Affairs* 236-256.

42. "Status of Singapore Judges", (1954-56) *Magazine of the University Of Malaya Students' Union* 51-52.

43. "Nature of Charity", [1957] *Malayan Law Journal* lxxxvi-xcix.

44. "High Trees in New Zealand" (case note), (1958) 21 *Modern Law Review* 185-186.

45. "Right to Counsel" (case note), [1958] *Malayan Law Journal* xli-xlii.

46. "Development of University Law Teaching in Malaya", (1958) 1 *Me Judice*, No 1, 3-6.

47. "The Further Adventures of A, B, and C", (1958) 1 *Me Judice*, No 3, 3-7.

48. "Singapore's New Constitution", [1959] *Malayan Law Journal* xxv-xxviii.

49. *The Cy-Près Doctrine* (with VTH Delany, Sweet & Maxwell Ltd, London, 1959).

50. "The Federation of Malaya Constitution – Part One", (1959) 1 *University of Malaya Law Review* 137-144.

51. "Clean Hands" (case note), (1959) 1 *University of Malaya Law Review* 145.

52. "Prohibition and the Judicial Function" (case note), (1959) 1 *University of Malaya Law Review* 160.

53. "The Malayan Legal Systems", (1963?) 1 *University of Ceylon Law Review* 42-49.

54. "The Rule of Law: 1959 Model", (1958/59) *Magazine of the University of Malaya in Singapore Students' Union* 8-10.

55. "Purpose Powers and Trusts", (1957-59) 4 *University of Western Australia Annual Law Review* 235-260 (lecture given at the University of Western Australia).

56. "Federation of Malaya Constitution – Parts Two and Three", (1959) 1 *University of Malaya Law Review* 177-204.

57. "Problems of Legal Education" (with HG Calvert and P Coomaraswamy), (1960) 2 *Me Judice*, No 2, 11-21.

58. "Cheaper to Knock Down Policemen" (case note), (1960) 2 *Me Judice*, No 2, 26-28.

59. "Extraterritorial Colonial Legislation" (case note), (1960) 23 *Modern Law Review* 77-79.

60. "Federation of Malaya Constitution – Parts Four and Fourteen", (1960) 2 *University of Malaya Law Review* 29-61.

61. "Legal Education in Malaya" (with HG Calvert and P Coomaraswamy), (1960) 5 *Journal of the Society of Public Teachers of Law* (New Series) 155-162.

62. "Federation of Malaya Constitution – Parts Five to Thirteen", (1960) 2 *University of Malaya Law Review* 246-322.

63. "The Rule of Law", (1960) 1 *Bakti*, No 2, 11-14.

64. "The Constitution of the Federation of Malaya of 1957", (1960) 9 *Jahrbuch des Öffentlichen Rechts der Gegenwart* 297-315.

65. *Federation of Malaya Constitution – Text, Annotations and Commentary* (University of Malaya Law Review, 1961 – book version of 50, 56, 60 and 62, above).

66. 1960 Supplement to *The Cy-Près Doctrine* (49, above; with VTH Delany).

67. Irish Supplement to GW Keeton's *Introduction to Equity*, 5th ed.

68. "*Mat Adat bin Undang Undang* v *Undang Undang bin Mata Mata*", (1961) 3 *University of Malaya Law Review* 63-68.

69. *Malaya, Singapore, The Borneo Territories* (Stevens and Sons, 1961; Sweet & Maxwell's British Commonwealth series) (general editor and various chapters).

70. "The Role of Social Scientists in Malaya Today", (1961) 1 *Journal of the Social Science Society, University of Malaya in Singapore* 14-15 (contribution to opening symposium).

71. "Malay Marriages" in *Studies in Law – An Anthology of Essays in Municipal and International Law* (Asia Publishing House, Bombay, 1961; Patna Law College Golden Jubilee Commemoration Volume), pp 492-508.

72. "Legal Education", [1961] *Malayan Law Journal* lxxxv-xcv.

73. "Constitutional Protection of Property", [1962] *Malayan Law Journal* lxv-lxviii.

74. "Constitutional Protection of Property" (continued), [1962] *Malayan Law Journal* lxxiii-lxxxii.

75. "Constitutional Protection of Property" (continued), [1962] *Malayan Law Journal* lxxxix-xcvii.

76. "Equal Opportunity of Public Employment (Non-discrimination in Public Services in India)", (1962) 11 *International and Comparative Law Quarterly* 782-805.

77. "Constitutional Protection of Property" (continued), [1962] *Malayan Law Journal* cv-cxvi.

78. "Constitutional Protection of Property" (continued), [1962] *Malayan Law Journal* cxxv-cxxxii.

79. "A Digest of Dismissal and Reduction in Rank (Constitutional Protection for Civil Servants in India, Pakistan and Malaya)", [1962] *Public Law* 260-297.

80. "Constitutional Protection of Property" (continued), [1962] *Malayan Law Journal* cxli-cli.

81. *Constitutional Protection: Expropriation and Restrictions on Property Rights* (Published jointly by the Malayan Law Journal Pte Ltd, Singapore and Oceana Publications Inc, New York (in association with the Malaya Law Review), 1963 – book version of 73-75, 77-78 and 80, above).

82. "Legal Education in Malaya", Report of the Regional Conference on Legal Education, Singapore, 1962, 25-39 (address to the conference).

Written in Northern Ireland 1963-1971

83. "Selling a Primary School" (case note), (1964) 15 *Northern Ireland Legal Quarterly* 120.

84. "Digest of Unreported Northern Ireland Cases", (1964) 15 *Northern Ireland Law Quarterly* 121-122.

85. "Power to Appoint for a Non-charitable Purpose: A Duologue, or Endacott's Ghost", (1963-64) 13 *De Paul Law Review* 210-232.

86. "Digest of Unreported Northern Ireland Cases", (1964) 15 *Northern Ireland Legal Quarterly* 239-244.

87. "Land Registry (Miscellaneous Provisions) Act (NI) 1962, c 18", (1964) 15 *Northern Ireland Law Quarterly* 263-264.

88. "Stock Transfer Act (NI) 1963, c 24" (1964) 15 *Northern Ireland Law Quarterly* 298.

89. "Constitutional Problems of Malaysia", (1964) 13 *International and Comparative Law Quarterly* 1349-1367 (lecture given in the Inner Temple).

90. "Practitioners' Reference Table: Contract", (1964) 30 *Irish Jurist* 42-44.

91. "The Irish Jurist Quarterly Digest", (1964) 30 Irish Jurist 45-48.

92. Irish Supplement to GW Keeton's *The Law of Trusts*, 8th ed.

93. "Practitioners' Reference Table: Trusts", (1964) 30 *Irish Jurist* 77-78.

94. "The Irish Jurist Quarterly Digest", (1964) 30 *Irish Jurist* 79-84.

95. "Repatriation of the Common Law", (1965) 18 *Current Legal Problems* 61-80 (lecture given at University College London).

96. "The Trustee Act, 1966", (1965) 4 *Solicitor Quarterly* 186-206.

97. "From the Federation of Malaya to Malaysia", (1965) 14 *Jahrbuch des Öffentlichen Rechts der Gegenwart* 543-560.

98. "Cy-pres in the Cyxties – Imperfect Trusts", (1966) 17 *Northern Ireland Legal Quarterly* 235-255.

99. "Constitutional and Legal Implications in the Separation of Singapore from Malaysia", (1966) 1 *Fiat Justitia* 47-53.

100. "Constitutional Adjudication in Malaysia", (1966) 2 *Die moderne Demokratie und ihr Recht* (Modern Constitutionalism and Democracy) 581-606.

101. "Professor JL Montrose", (1966) 17 *Northern Ireland Legal Quarterly* 468a-468b.

102. *Education and Social Responsibility: The Professional Schools*, Report of the Queen's University of Belfast Conference of University and Schools, 1966, pp 27-33 (address to the conference; Queen's University of Belfast).

103. "Sacking Professors and Sending Down Students: Legal Control", *Law, Justice and Equity – Essays in tribute to GW Keeton* (Eds RH Code Holland and G Schwarzenberger, Sir Isaac Pitman & Sons Ltd, 1967), pp 35-46 (public lecture given at the Queen's University of Belfast).

104. *Legal Education in the Seventies* (inaugural lecture, New Lecture Series No 35, Queen's University of Belfast, 1967).

105. *The Constitution of Malaysia* (with HE Groves) (2nd ed of 65, above; Oceana Publications, Inc, 1967).

106. "Some Major Problems of a Second Law School in Malaysia", (1968) 3 *Law Gazette* 26-28.

107. "Cy-pres in the Sixties: Judicial Activity", (1968) 6 *Alberta Law Review* 16-28.

108. "The Anglo-Irish Gage", (1968) 19 *Northern Ireland Legal Quarterly* 54-56.

109. Irish Supplement to GW Keeton's *The Law of Trusts*, 9th ed.

110. *"La Notion d'Equity en Droit Anglais Contemporain"*, (1969) 10 *Les Cahiers de Droit* 327-340 ("The Concept of Equity in the Modern English Legal System"; lecture given at the University of Grenoble).

111. *Equity* (with GW Keeton; Sir Isaac Pitman & Sons Ltd, 1969).

112. *Survey of the Land Law of Northern Ireland* (Belfast, Her Majesty's Stationery Office, 1971) (report to the Law Reform Office of the Government of Northern Ireland) (with BW Harvey, E Tenenbaum and JCW Wylie).

113. *The Modern Law of Charities* (with GW Keeton; 2nd ed, Northern Ireland Legal Quarterly Inc, Belfast, 1962) (1st ed by GW Keeton alone).

Written in Cardiff 1971-1976

114. "Cy-pres in Spate", (1972) 1 *Anglo-American Law Review* 101-118.

115. "Equity Today", (1971) 6 *Irish Jurist (New Series)* 257-70 (lecture given at the University of Dublin).

116. "Belfast's First Professor of Civil Law", (1972) 23 *Northern Ireland Legal Quarterly* 460-474.

117. "Charity versus Politics", (1973) 2 *Anglo-American Law Review* 46-68.

118. "Equity" (pp 25-27) and "Trusts" (pp 59-62) in the Institute of Advanced Legal Studies, *Bibliographical Guide to United Kingdom Law*, 2nd ed.

119. "Northern Ireland", (1973) 2 *Anglo-American Law Review* 423-427.

120. 1974 Supplement to *Equity* (with GW Keeton).

121. "University Legal Education in Cardiff", (1973) 4 *Cambrian Law Review* 94-102.

122. *Charitable Causes, Political Causes and Involvement* (inaugural lecture, University College, Cardiff, published by the College and reprinted in 2 *The Philanthropist*, No 4, pp 5-20).

123. *A Case-book on Equity and Trusts* (with GW Keeton; 2nd ed, Professional Books Ltd, 1974) (1st ed by GW Keeton alone).

124. *Rights in Security* (Collins, London and Glasgow, 1974).

125. *The Law of Trusts*, (with GW Keeton; 10th ed, Professional Books Ltd, 1974) (previous editions by GW Keeton alone).

126. "Legal Education" (in the *Encyclopaedia Britannica* (15th ed, 1974); offprint on file with the author, pp 773-777).

127. 1975 Supplement to *The Modern Law of Charities* (with GW Keeton).

128. 1975 Supplement to *The Law of Trusts* (with GW Keeton).

129. *Equity* (with GW Keeton; 2nd ed, Professional Books Ltd, 1976).

130. "Waiting for Goodman", (1976) 5 *Anglo-American Law Review* 153-172.

131. "Law Teachers and Law Reform", (1976) 10 *The Law Teacher* 89-100 (address to the annual conference of the Association of Law Teachers).

132. *The Comparative Law of Trusts in the Commonwealth and the Irish Republic* (with GW Keeton; Barry Rose (Publishers) Ltd, 1976).

133. "The Movement for Charity Reform", [1976] 2 *Malayan Law Journal* lii-lxiv (seventh Braddell Memorial Lecture, given at the University of Singapore).

Written in Winnipeg 1976-1977

134. 1977 Supplement to *The Law of Trusts* (with GW Keeton).

135. "The Floating Trust: Mutual Wills", (1977) 15 *Alberta Law Review* 211-242.

136. "Gifts Over with Floating Subject-Matter: Estates, Powers, Repugnancy (and the Intention of the Testator)", (1977) 7 *Manitoba Law Journal* 249-306.

137. "The Charpol Charity Quiz", (1977) 2 The Philanthropist 14-33 (seminar paper given at York University, Toronto).

138. "The Political Muddle – A Charitable View?", (1977) 19 *Malaya Law Review* 42-80.

139. "The Mysterious Case of the Disappearing Business: *Government of Malaysia* v *Selangor Pilot Association*", (1977) 4 *Journal of Malaysian and Comparative Law* 1-17.

140. *Digest of the English Law of Trusts* (with GW Keeton; Professional Books Ltd, 1979).

Written In Cardiff 1977-1987.

141. 1979 Supplement to *The Law of Trusts* (with GW Keeton).

142. *The Constitution of Malaysia* (with HE Groves; 3rd ed, Malayan Law Journal (Pte) Ltd, 1979).

143. "Constitutional Problem in Malaria – *National Mosquito Board* v *Who*", (1979) 21 *Malaya Law Review* 135-136.

144. 1981 Supplement to *The Comparative Law of Trusts in the Commonwealth and the Irish Republic* (see 132, above; with GW Keeton, Barry Rose, Chichester and London, 1981).

145. "Public and Charitable Trusts", *Trusts and Trust-like Devices* (Ed WA Wilson, United Kingdom Comparative Law Series, Vol 5, 1981), pp 21-43.

146. *Chancery Procedure and the Nature of Injunctions* (with GW Keeton; Barry Rose Publishers Ltd, 1982).

147. *The Law of Trusts* (11th ed, Barry Rose Publishers Ltd, 1983; previous edition with GW Keeton).

148. *The Modern Law of Charities* (3rd ed, University College Cardiff Press, 1983; previous edition with GW Keeton).

149. *The Nature of Equity* (with GW Keeton; Barry Rose Publishers Ltd, 1984).

150. *Equity in the Supreme Court* (with GW Keeton; Barry Rose Publishers Ltd, 1985).

151. "Backing Professors and Sending Up Students", (1985) 36 *Northern Ireland Legal Quarterly* 13-24 (public lecture given at the Queen's University of Belfast).

152. *Kinds of Mortgage and Lien* (with GW Keeton; Barry Rose Publishers Ltd, 1985).

153. *Redemption of Mortgages* (with GW Keeton; Barry Rose Publishers Ltd, 1985).

154. *Priority of Successive Mortgages* (with GW Keeton; Barry Rose Publishers Ltd, 1985).

155. *Relation of the Parties to Mortgaged Land* (with GW Keeton; Barry Rose Publishers Ltd, 1985).

156. *Remedies of the Mortgagee to Enforce his Security* (with GW Keeton; Barry Rose Publishers Ltd, 1985).

157. *Fraud and Unconscionable Bargains* (with GW Keeton; Barry Rose Publishers Ltd, 1985).

158. "Technology, People and New Equity", (1986) 28 *Malaya Law Review* 1-8. (lecture given at the National University of Singapore).

159. *Equity* (with GW Keeton; 3rd ed).

160. *The Constitution of Malaysia* (with HE Groves; 4th ed, Malayan Law Journal (Pte) Ltd, 1987).

Written in St Nicholas 1987-

161. "The Religion of the Federation" (case note), [1988] 2 *Malayan Law Journal* xiii.

[162. A Japanese translation of the *Digest of the English Law of Trusts* was published in 1988, needless to say with little but permission and encouragement coming from George Keeton or me.]

163. "Professional Discipline, Procedure and the Privy Council: Singapore" (case note), [1989] *Public Law* 389-395.

164. *The Modern Law of Charities* (4th ed, Barry Rose Law Publishers Ltd, 1992).

165. "Charity Investments under the Charities Act 1992", (1992-93) 1 *Charity Law and Practice Review* 113-120.

166. "George Williams Keeton 1902-1989", (1993) 80 *Proceedings of the British Academy* 333-348.

167. "Charitable Trusts Validation Act 1954: A Case for Reform", (1993-94) 2 *Charity Law and Practice Review* 1-9.

168. *The Law of Trusts* (12th ed, Barry Rose Law Publishers Ltd, 1993).

169. *Chancery Procedure and Anton Piller Orders* (Barry Rose Law Publishers Ltd, 1994).

170. *Injunctions in General* (Barry Rose Law Publishers Ltd, 1994).

171. *Injunctions in Particular Cases* (Barry Rose Law Publishers Ltd, 1994).

172. "Cy-Près Application of Three Holloway Pictures", (1993-94) 2 *Charity Law and Practice Review* 181-184.

173. *The Barry Rose Charity Statutes* (Barry Rose Law Publishers Ltd, 1999).

[One book written in 1995-97 is currently going through the press: see the main text at *supra*, note 364]