

TRUSTS AND TRUSTEES: CASES AND MATERIALS. Second Edition.
By R.H. MAUDSLEY and E.H. BURN. [London: Butterworths.
1978. Ixvi & 673 pp. Casebound £16.50 Limp £12.00].

The first edition of this book appeared in 1972. The authors are well known for their familiar *Cases and Materials on Land Law*, and, like the former, this work is a collection not only of leading cases and relevant statutes, but also contains a wide selection of materials from standard texts (Pettit, Hanbury and Maudsley, Parker and Mellows, Keeton and Sheridan and Snell) and key works such

as Lewin, Underhill, Scott, Tudor, Maitland and the American Restatement, and even Reports from the Charity Commissioners and precedent forms from Key and Elphinstone.

The book comprises eighteen chapters and is divided into three parts, dealing with Trusts, Charities, and Trustees respectively. While one may feel that the subject of Charities has been given too much emphasis in the book, occupying some 154 pages, it cannot be denied that the topic has been admirably dealt with. The relevant cases are set out under clear headings, and the authors have included extracts from Tudor on Charities as well as Reports from the Charity Commissioners, the Goodman Committee and the Expenditure Committee of the House of Commons. There is a chapter on Administration of Charities, which, though of little relevance to Singapore, will be of considerable assistance to students and solicitors in England.

Several chapters have been expanded on or re-written in this new edition, to incorporate changes and developments in the law. In particular, the chapter on Resulting Trusts has been largely rewritten, due to the *Vandervell* litigation and *Re Sick and Funeral Society of St. John's Sunday School, Golcar*. Regrettably, however, the field of matrimonial property only occupies some 5 pages, comprising extracts from Pettit and from Cretney's *Principles of Family Law*. While the authors have explained that details of such cases "are more relevant to a study of Family Law and a summary must suffice", extracts from some cases, e.g., *Gissing v. Gissing*, *Pettitt v. Pettitt*, would have aided the student seeking to understand the application of the resulting trust concept to the matrimonial situation.

The chapter on Tax Saving Trusts has been re-written and re-titled "Trusts and Taxes" to incorporate the new Capital Transfer Tax. It consists of a brief introduction to the various types of taxation and a reproduction of relevant portions of the Finance Act 1975. The authors have cautioned that the topic is too immense to be dealt with in greater depth in a book on trusts. The topic is of little relevance to Singapore, as the Finance Act is not applicable here.

Chapter 8 on Constructive Trusts has been expanded upon, to include the *Karak Rubber* case and two new sub-headings, "The Acquisition of Property by Killing" and "Justice and Good Conscience". The Chapter on Non-Charitable Purpose Trusts has also been re-written to include a section on the Rule against Perpetuities and a useful section on "How to Achieve a Non-Charitable Purpose".

While there are many so-called casebooks which are no more than a compilation (often indiscriminate) of cases, this is certainly not one of those. The cases and materials have been carefully selected, and the authors have taken considerable pains to summarise the cases and state the issues that were before the court. This is followed by a statement of the court's decision and then extracts of relevant portions of the judgment. Some may feel that this conciseness of format does not encourage an inquiring and analytical mind. Perhaps this would explain the largely discussive and academic nature of the questions that appear at the end of each chapter and sometimes, at the end of a particular topic — questions which are very different from those to be found in a typical examination

paper. The authors have ventured to explain that the format of the questions is intentional, being “to raise questions of principle. Many great teachers have said that the best way to understand is to ask, or be required to answer, penetrating questions”. While it is agreed that “penetrating questions of principle” do provoke and promote a better understanding of the law, the book could have been improved by the inclusion of questions that are less academic, focussing instead on the application of those principles to given factual situations. It cannot be denied that in the study of law, principles have to be understood, but one must also be mindful of the fact that it is the application of those principles that matters in practice, and some exercise in that direction is essential in any casebook. It is, however, noted that the questions take a more practical bent on the topic of Trustees, as it, of necessity, should.

Finally, it must be said that the research has been very thorough. Each case is carefully footnoted, with citations of casenotes and of relevant articles and commentaries. In addition, the student is guided in most of his answers to the questions by a list of source materials from whence the answer may be ascertained.

There is little doubt that Maudsley and Burns’ book on Trusts and Trustees will prove to be indispensable to the student of Trusts law. As the authors have stated, it “provides for students a collection of the most significant readings in this subject which do not appear in the textbooks”; and surely that is one of the hallmarks of a good casebook.