

12-1-1990

Trusts, Commentary and Materials, Sixth Edition, H A J Ford and I J Hardingham, Law Book Company, 1990

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Recommended Citation

Ong, Denis S. K (1990) "Trusts, Commentary and Materials, Sixth Edition, H A J Ford and I J Hardingham, Law Book Company, 1990," *Bond Law Review*: Vol. 2: Iss. 2, Article 12.

Available at: <http://epublications.bond.edu.au/blr/vol2/iss2/12>

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Abstract

The book has been produced to facilitate the derivation of fundamental principles from an analysis of case law.

Trusts, Commentary and Materials, Sixth Edition by H A J Ford and I J Hardingham,

Law Book Company, 1990, 1-853 and i-xxxix pages

by **Denis S K Ong**

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In his preface to the first edition of this book, published in 1959, Professor H A J Ford wrote:

“This casebook has been designed not only to provide information about the law of trusts but also to assist law students to develop that capacity for ordered thought and analysis which should be the distinguishing mark of the lawyer. . .”

Professor Ford’s (achieved) aspiration has brought enormous benefit to more than a generation of law students in Australia. Again, no doubt many teachers of the law of trusts have found the intellectual effervescence produced by debating the case excerpts with their students to be refreshing to themselves and invigorating for their students. Discussing the original language of decisions yields a detailed appreciation of the conceptual antagonisms behind legal principles which teaching by means of the enunciation of legal propositions supported by case summaries does not quite achieve.

The book has been produced to facilitate the derivation of fundamental principles from an analysis of case law. It does not purport to be, and it is not, a mine of statutory minutiae.

The first chapter introduces to the reader the nature of a trust, distinguishing the latter from analogous concepts. This is followed by chapters on the ingredients of a valid trust.

Later still, there are chapters on the duties and powers of trustees, the consequences of breach of trust and the rights of trustees. There then appears a generously extracted chapter on charitable trusts. The penultimate chapter deals with resulting trusts. The book concludes with the conceptually tempestuous subject of constructive trusts.

An extremely valuable feature of the book is that to complete particular groups of case excerpts the reader is sharply tested by problems and questions on what is presumed to have been conscientiously studied.

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Finally, the minor request may be made that the excerpt of the dissent of Lord Hodson in *McPhail v Doulton*, which last appeared in the fourth (1979) edition, may be reinstated. The subsequent omission of this excerpt rather encourages the reader of Lord Wilberforce's speech to assume that the logic of the case tended inexorably towards the validity of the trust power.

V. R. Ward, Government Printer, Queensland—1991

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