

Preface

Readers of our previous volumes of *Landmark Cases* essays—on the law of restitution, contract and tort—will notice something different about *Landmark Cases in Equity*. It is twice the length of its predecessors. This expansion is not meant to suggest that equity is somehow more important than the other topics, or that there are twice as many landmark cases in equity as there are in restitution, contract or tort. The reason is rather that we were fortunate enough to obtain funding from the Society of Legal Scholars to hold a significantly larger event than the workshops out of which the earlier volumes were born: a two-day conference at the Faculty of Laws, University College London, at which earlier versions of the essays in this volume were presented to a large audience of equity scholars, legal historians, judges, legal practitioners and students. We are most grateful to the Society of Legal Scholars, and also to Richard Hart of Hart Publishing, for their financial support, without which staging the event would not have been possible. We are also grateful to Lisa Penfold, the UCL Faculty of Laws events manager, for her expert professional assistance in making the occasion a rewarding experience for all who attended.

Although it is longer than its predecessors, readers of our earlier volumes will recognise many features of *Landmark Cases in Equity*. The authors were given a free choice of topic and methodological approach, and a wide range of equitable doctrines is investigated in this volume. Some authors have chosen to examine their cases within the framework of their contemporary settings, others to take a longer view and to consider the impact which their cases have had on the thinking of subsequent generations. Some have focused their attention on purely doctrinal developments, while others have looked at the social, economic or political background to their case. A variety of topics is addressed, including the nature of the courts' equitable jurisdiction (*The Earl of Oxford's Case*; *Penn v Lord Baltimore*; *Re Earl of Sefton*), the development (or non-development) of property rights in equity (*Burgess v Wheate*; *Tulk v Moxhay*; *Ramsden v Dyson*; *National Provincial Bank Ltd v Ainsworth*), constraints on the powers of settlors to create charitable trusts (*Morice v Bishop of Durham*; *National Anti-Vivisection Soc v IRC*), the duties of trustees and other fiduciaries (*North-West Transportation Co Ltd v Beatty*; *Regal (Hastings) Ltd v Gulliver*; *Boardman v Phipps*), remedies for breach of trust and breach of fiduciary duty (*Re Hallett's Estate*; *Nocton v Lord Ashburton*; *Paragon Finance plc v DB Thakerar & Co (a firm)*), and the evolution of constructive and resulting trusts (*Coke v Fountaine*; *Lord Grey v Lady Grey*;

Gissing v Gissing). Recurring themes include a concern with classification, the dominance of particular individuals in the development of equitable principles, equity's relevance to political questions (both domestically and abroad), and the interpenetration of equity and common law.

Since this is likely to be the last of the *Landmark Cases* series that we edit together, we should like to take this opportunity to express our thanks to all of the authors of essays in the volumes on restitution, contract, tort and equity. We hope that these volumes show that the study of individual cases, as pioneered by the late Brian Simpson, is a flourishing and fruitful form of academic literature. There is much to be gained from reassessing what we know about the cases by which we habitually orientate ourselves.

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