

**Samantha Hepburn, *Principles of Equity and Trusts*,  
Sydney: Cavendish (Australia), 1997.**

The engaging spirit of its author at once recommended this book to me and, on the whole, I was certainly not disheartened. Au contraire, *Principles of Equity and Trusts* by Samantha Hepburn is a book which has, in my opinion, earned its place in the repertoire of the choir of Australian equity devotees.

The physical presentation of the work is very fine indeed, with just one unfortunate aberration. Running to 376 richly textured pages, the point size is large enough not to strain the eye and the layout is comfortably stretched to create an overall impression which is both classy and relaxed. The publishers, Cavendish (Australia), are to be commended for the superior production quality of the edition. By the same token, the author is not to be blamed for the gaudy colour scheme which adorns the cover of the soft back edition.

The organisation of the text is along familiar lines, which the first-timer to Equity and Trusts will find exceedingly helpful. There are four major "Parts": "What is Equity"; "Equitable Transactions"; "Equitable Relief" and "Trusts", each containing chapters dealing with the various equitable principles and precepts associated with these broad headings. There is much well expressed detail in the comprehensive coverage of the myriad of topics, great and small, which marks out the work as one of genuine scholarship. All the same, such an approach always risks generating a simplified and compartmentalised effect. But the author has counteracted this impression by conscientiously referring the reader to other filaments in the seamless web of the equitable jurisdiction where she or he may further pursue their analysis of overarching issues and problems.

Speaking of the "seamless web", I confess I was disappointed with the treatment of "Fusion Fallacies" by Hepburn. The relevant section fails to take any serious account of the devout "MGL" position, and for this reason is somewhat insufficient. The matter, of course, endures as one of ongoing debate - so I shall say no more. I was also baffled by the beguilingly silky treatment of the 1960's House of Lords' stupendous muddles in cases like *Grey*, *Oughtred* and *Vandervell*, but perhaps I am being too picky.

There is one other feature of the work which is a little curious. At various points there appears, under the rubric *Example*, illustrations of the functional operations of the diverse rules and doctrines of Equity. These are quite beneficial, especially to the novice, but I wonder whether they assist with the presentation of the work as a whole. Because this device is used only very occasionally it is not immediately apparent why some topics have been selected for demonstration in this fashion while others have not. In a future edition perhaps these examples might be expanded

in number to cover the compass of the work more entirely, and thus more fully integrate some of its more disparate parts. In sum, the idea is excellent but it has not been carried through to its logical conclusion.

Finally, and with my apologies to the author - for it is in many ways a little unfair to say what I am about to, one cannot but make comparisons with the other published works which cover the same ground. Idiosyncratic, and at times even quirky, *Equity: Doctrines and Remedies* by shellbacked doyens Meagher, Gummow and Lehane remains (for me anyway) the closest thing to a definitive treatise on the area. For the Equity savant it is a work which is cherished as much as it is despised - but it can never, never be neglected. Hepburn's *Principles of Equity and Trusts* is not such a work, however it does compare very favourably with, for example, *Outline of Equity and Trusts* by Evans and *Equity and Trusts in Australia and New Zealand* by Dal Pont and Chalmers. Succeeding editions of Hepburn, and I have absolutely no doubt that they will be forthcoming, are to be eagerly anticipated and hungrily devoured.

**Michael Stuckey**