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Ronald H. Maudsley, 1918-1981: A Tribute

JOHN H. MINAN*

Ronald H. Maudsley came to the University of San Diego several years before I did. Although I only knew him for an all too brief period of time, we were close friends. Perhaps our friendship developed because of our common teaching interests and the common values we shared. I think in a large part, his warmth and charm as an individual were the cement of our friendship.

I am honored to provide this tribute to Ron. I must confess, however, that I am unashamedly biased. I admired and respected him. In him were many glorious attributes that can scarcely be put into words. He possessed a sense of professionalism and enthusiasm that compelled him to seek the best, and an inextinguishable belief that the course for our law school must be unwavering in the quest of quality. Ron was unsurpassed in his devotion to the University of San Diego.

Ron had distinguished careers in both the military and academia. He had just graduated with first class honors in the Bachelor of Law when World War II engulfed Europe in 1939. He had intended to go straight from Birmingham University, where he completed his LL.B., to Oxford, but the outbreak of fighting interrupted his studies. He served with distinction in the British Army during World War II. Ron's service was mostly in the Middle East, but he also had duty in Europe and Australia before leaving the Army as a major in 1945 to return to Oxford.

Ron's dedication to legal education in England and the United States produced a record of excellence. The intellectual ability he

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demonstrated at Birmingham University was repeated at Brasenose College, Oxford, when he received a first class in his examination for Bachelor of Common Law in 1947. Ron also earned a Master of Arts from Brasenose, and a Doctor of Juridical Science from Harvard Law School. In addition, he was awarded Doctor of Law degrees, *honoris causa*, from the University of Birmingham and the University of San Diego.

Ron was elected to a fellowship in law at Brasenose in 1947. His initial teaching assignment at Brasenose continued for nearly twenty years. In 1966, he left his Oxford position as Senior Tutor at Brasenose and accepted an appointment to a Chair in English Law at King's College, University of London.

In a broad sense, Ron was a man committed to human dignity and understanding. His life was not limited to the academic study of legal issues. In 1953 he became a barrister at law and had chambers in Lincoln's Inn. He served as Justice of the Peace for Oxford City from 1960 to 1966. Although his scholarly writings are primarily in the fields of property and trusts and estates, he was concerned with other problems of social reform. While he was a Justice of the Peace, he served as deputy chairman of the Magistrates Visiting Committee for Oxford Prison. He also chaired the Management Committee of Maudsley House, a probation hostel in Oxford, and was a committee member of the Bridgehead Housing Association, which assists in providing homes and hostels for ex-offenders. He was a member of the Ministry of Agriculture Consumer Protection Committee and chaired the Associated Television Educational Advisory Committee, a regional commission overseeing television broadcasting. He was also an underwriting member of Lloyds of London.

Ron was a visiting professor at the University of San Diego in 1966, 1970, and 1976. He finally emigrated to the United States in 1977 and became a Professor of Law both at University of San Diego School of Law and New York Law School. Shortly after emigrating he became a Distinguished Professor of Law at San Diego. He returned to England annually, however, to direct the University of San Diego Summer Institute on International and Comparative Law at Oxford, which he was instrumental in establishing. He was a visiting professor at a number of American law schools during his career as an educator, including Chicago, Cornell, Miami, and Notre Dame. He had many friends in American legal education.

As a teacher, scholar, and colleague, Ron left a legacy to be emulated. He was a man of principle who disdained the recognition of transient rules of conduct. He brought to the classroom a de-

manding but sensitive teaching style that was steeped in the richness of the history of the common law and that combined the best in Anglo-American traditions. His teaching talents included a special interest in his students as individuals. He was widely regarded as an outstanding and popular classroom teacher in trusts and estates and in estate planning. Although the impact of his spoken words to students, friends, and colleagues cannot be measured, clearly they have made a difference in who we are and in our appreciation of dedicated individuals. We learned from Ron both inside and outside the classroom.

Ron's legal scholarship was both substantial and of the highest quality. Although Ron's handwriting was a challenge to the most careful secretary, this shortcoming did not prevent him from becoming a prolific scholar with an international reputation. This scholarship is widely recognized and appreciated in England, yet less may generally be known about his contribution to the development of legal thought in the United States. I first encountered his scholarship in 1976 while I was teaching a course in estate planning. Included in my teaching materials was Ron's 1975 *Cornell Law Quarterly* article entitled "Perpetuities: Reforming the Common-Law Rule—How to Wait and See." In his article, Ron proposed a practical and workable means of ameliorating the most objectionable aspects of the common-law Rule Against Perpetuities—a suggestion that only students who have grappled with this tortuous rule can appreciate. His analysis significantly influenced my thinking in this area, and the thinking of others.

In addition to authoring numerous law review articles, he co-authored with E.H. Burn two casebooks that have been through numerous editions: *Land Law: Cases and Materials*; and *Trusts and Trustees: Cases and Materials*. *Land Law* is a useful student casebook that recognizes the centrality of the land registration system. It steers a middle course between those texts that have little or no explanatory linking material and those that aspire to be self-contained expositions. The first edition of *Trusts and Trustees* appeared in 1972 and was widely acclaimed. The most recent 1978 edition continues to have a strong following. The chapters on charities and variation of trusts are a particularly strong feature of the book. The book contains little editorial commentary, and in many respects is akin to the American-style casebook. Presumably, the student is expected to refer to *Modern Equity* for commentary.

Ron was a contributor to the legal perennial, Hanbury and Maudsley's *Modern Equity*, which is in its eleventh edition. The book is the authoritative treatise on the British law of trusts and estates. The merits of *Modern Equity* as a student textbook are well recognized. It provides a clear statement and theoretical analysis of relevant principles. The coverage on the equitable remedies of specific performance and injunctions is one of the best available discussions of the topic.

In 1979, Ron published the *Modern Law of Perpetuities*, a book that is the first text exclusively devoted to the modern law of perpetuities. The book is lucidly written, interesting, and authoritative. It consists of five parts. Part I, "General Background," examines preliminary matters, including the concept of Wait and See, vesting, class gifts and the class closing rules. Part II, "The Modern Rule Against Perpetuities; or the Common Law Rule," analyzes the operation of the common-law rule. Part III, "Perpetuities after 1964," consists of five chapters and discusses principles and problems concerning Wait and See, the Perpetuities and Accumulations Act of 1964, accumulations of income and perpetuities and variation of trusts. Part IV, "Perpetuity Policy," explores whether a perpetuity rule is needed and considers methods of reforming the common-law rule. His arguments are then summarized in a short conclusion. Part V includes a number of appendices, including the Perpetuities and Accumulations Act of 1964 and other relevant English legislation; a summary of statutes enacting reform of the perpetuity rule; and a Model Perpetuities and Accumulations Act.

The book is designed to accomplish two goals: the examination of the classic Rule Against Perpetuities as it exists in England today, and how the system of Wait and See should operate, which to some includes a heretical view. On the subject of Wait and See, he recognizes the importance of determining the measuring lives, and of abolishing the common-law rule with the enactment of Wait and See legislation. Ron contends that the principle of Wait and See should satisfy four basic requirements. First, the lives in being to be used should be certain; second, provision should be made for the disposal of income earned during the period of Wait and See; third, the class gift must no longer be wholly good or wholly bad; and fourth, Wait and See should replace the common-law Rule and not add to it. The modern law of perpetuities satisfies the first three requirements fairly well, but in Ron's view is unsatisfactory for failing the last.

To say that the Rule Against Perpetuities is not everyone's favorite subject is an understatement. Few people really under-

stand it. It has, however, inspired some remarkably fine legal writing in the last one hundred years. The treatises of John Chipman Gray and Lewis Simes, the periodical writings of W. Barton Leach, and the work produced by Professor Leach and Dr. J.H.C. Morris are among the modern classics of legal literature. In the common-law form, with its many complexities and absurdities, an explanation of the Rule demands an unusual capacity for clear thinking and precise expression. Ron's latest addition to the literature on perpetuities is firmly in the tradition established by his predecessors.

Ron was an advisor to the *Second Restatement of Property*, on donative transfers, and made valuable contributions to the development and adoption of the Wait and See Rule that is incorporated in the *Restatement's* position on the Rule Against Perpetuities. Professor James Casner, of the Harvard University law faculty, has been and continues to be a dominant force in the United States in the areas of estate planning and property. Among other things, he is the Reporter of the *Second Restatement of Property*. Professor Casner shared these thoughts with me about Ron: "I have known and admired Ron Maudsley for many years through our mutual interest in the property field. Ron, as an advisor to the *Second Restatement of the Law of Property*, on donative transfers, made extremely valuable contributions, particularly in the development and adoption by the *Restatement* of the Wait and See Rule in regard to the Rule Against Perpetuities. We will miss him very much in the future development of other aspects of the *Restatement*. He enriched us all." Ron's stature as a significant intellect was also demonstrably indicated by his warm and close friendship with other giants of legal thinking, including our own Professors Kenneth Culp Davis and Nathaniel Nathanson.

As a colleague, he was regarded as a dedicated and hardworking friend with enormous energy. He guided us by personal example and reasoned argument. I remember one of the first faculty meetings I attended at the University of San Diego. The discussion was punctuated by uncarefully phrased statements and convoluted reasoning that obscured and confused the issues, a situation not uncommon to faculty meetings generally. After obviously suffering this situation for some time, Ron was recognized as the next speaker. He began speaking in his distinguished British accent by warning us that he thought it

appropriate to talk to us in English. He had the ability to lighten our load with his ready wit and quick smile. His eloquent words had a curious power over the heart and mind because he knew what well-chosen words, well-spoken and properly laced with humor could do. When Ron spoke, we listened.

Ron was an outstanding athlete. On October 5, 1981, the *London Times* reported Ron's death. Among other things, it observed that "throughout his life he made serious occupations of what other men would have regarded as diversions. He played twice for Oxford against Cambridge at Lords, and also had blues for Golf and Rugby Fives. He then went on, while a don, to captain the Warwickshire cricket team during the long vacation, and was subsequently a regular cricket correspondent for the *Sunday Telegraph*."

I do not pretend to know the subtleties of English sport. I can share a story, however, that testifies to Ron's prowess as an athlete. It was told to me by Professor James Casner, who is an excellent golfer and who was the Captain of the American Bar Association golf team that played a series of matches against English barristers in London in 1957. Some time ago, Professor Casner had the pleasure of inviting Ron to play golf at a gathering of scholars working on the *Restatement of the Law of Property*. Professor Casner revealed that his plan included winning a "little money" from Ron. Things did not go according to plan, however. Before the day was over Ron had lightened Professor Casner's wallet, not the other way around. Being ever modest, Ron did not disclose the quality of his game prior to the challenge. Consequently, Ron may be thought of as having possessed a certain international stature in the game of golf, as well as legal thinking.

Ron was always willing to contribute his best because he cared about others. A few days before his death, when no one could reasonably expect him to be at a faculty meeting because his battle with leukemia had taken its toll, Ron was there, urging consideration of curricular reform and reconsideration of student examination practices. Further testimony of his commitment is etched in the Oxford probation hostel bearing his name that offers care to young delinquents. It is also evidenced by his commitment to the developing law schools of various African universities. He unselfishly placed himself at the disposal of the young faculties in Sudan, Ghana, and Nigeria, both as an examiner and advisor. Such was his dedication.

Ron was a man with magical qualities. Students may have seen this trait as he gently led them through complex legal material or seemingly insoluble problems. My children saw this quality from

a different perspective. Ron was a regular and popular guest at our home because he was a happy addition to any gathering. On these occasions, Ron would enchant my children, and I must confess myself as well, with his Merlin-like tricks. He could make a thimble disappear from the tip of his finger and then make it reappear by plucking it from my daughter's ear. Or, he could have one of my daughters break a toothpick in his handkerchief and with the blink of an eye, the appropriate incantation, and a broad smile, he could restore it to its original condition. We will never forget his magic. His quick sense of humor and unflagging spirit are greatly missed by all who knew and loved this gentle Englishman.

