SPENDTHRIFT TRUSTS IN WEST VIRGINIA

Although one authority has stated that an exact definition of a spendthrift trust "seems neither possible nor useful", the definition in the Restatement of Trusts will be found of value as a starting point for discussion of the problem. According to the Restatement,

"A trust in which by the terms of the trust a valid restraint on the voluntary and involuntary transfer of the interest of the beneficiary is imposed is a spendthrift trust."

It is obvious that this definition taken alone is of little value because the important question whether a particular restraint is valid is left unanswered. However, this objection is met by the

1 GRISWOLD, SPENDTHRIFT TRUSTS (1936) 2.
2 RESTATEMENT, TRUSTS (1935) § 152 (2) (Italics supplied).