

COUSINS

The Law of Mortgages



Sweet & Maxwell

15, ABchurch Lane, London, E.C. 4A

PROPERTY AND CONVEYANCING LIBRARY

COUSINS
ON
THE LAW OF
MORTGAGES

SECOND EDITION

by

EDWARD F. COUSINS B.A., LL.M.

Bencher of Lincoln's Inn

Deputy Chancery Master

Barrister of Gray's Inn and King's Inns, Dublin

with

IAN CLARKE, LL.B.

Barrister of Lincoln's Inn

Contributors

MICHELLE STEVENS-HOARE, LL.B., LL.M. (Property)

Barrister of Middle Temple

Member of the Civil Procedure Rules Committee

and

EDWARD ROWNTREE BA (OXON)

Barrister of Lincoln's Inn

LONDON
SWEET & MAXWELL
2001

*Published in 2001 by
Sweet & Maxwell Limited of
100 Avenue Rd, London NW3.
Computerset by Interactive Sciences Ltd, Gloucester.
Printed in England by
Clays Ltd, St Ives plc*

British Library Cataloguing in Publication Data

Cousins, Edward F.
The law of mortgages.
1. England. Mortgages. Law
I. Title
344.2064'364

ISBN 0-421-529504

*All rights reserved
No part of this publication may be
reproduced or transmitted, in any form
or by any means, electronic, mechanical, photocopying,
recording or otherwise, or stored in any retrieval
system of any nature, without the
written permission of the copyright
holder and the publisher, application
for which shall be made to
the publisher.*

ISBN 0-421-52950-4



©
E. F. Cousins
2001

Property and Conveyancing Library

**COUSINS
ON
THE LAW OF
MORTGAGES**

AUSTRALIA
LBC Information Services
Sydney

CANADA and USA
Carswell
Toronto

NEW ZEALAND
Brooker's
Auckland

SINGAPORE and MALAYSIA
Sweet & Maxwell Asia
Singapore and Kuala Lumpur

PREFACE

The decision to publish this book was prompted by a perceived continuing and unfulfilled demand for a new practitioner's text on the law of mortgages.

Initially, it was envisaged that this project would involve the publication of a third edition of that valuable and now unobtainable work, *Waldock on the Law of Mortgages* (1949), the first edition of which having been written by Professor Hanbury and Mr Waldock and published in 1939. But, at an early stage of this venture, owing to the considerable developments which have occurred in the field of mortgages since the publication of the second edition of Waldock, it was found necessary to revise, reconstruct and rewrite substantial sections of this work.

It is in these circumstances that the *Law of Mortgages* was conceived, written, and now finally published, with all due acknowledgment to those remaining parts based upon (and hopefully, without any detraction from) the second edition of Waldock. It is my desire that this work will provide a useful and concise guide to practitioners and academics in the field of mortgages. I have attempted to set out the law as at June 30, 1989.

Finally, my thanks are due to colleagues and friends for their kindly criticisms and suggestions. I must also extend my thanks to my wife and children for their forbearance, large sections of this book having been written whilst on holiday in France and Spain during the Summers of 1987 and 1988.

PREFACE TO THE SECOND EDITION

The first edition of this work was published in late 1989. As the preface to that edition stated, the decision to publish was prompted by the unfulfilled demand for a new practitioners' text. That original decision has been vindicated in two ways. First, the sales of the work since publication have been very healthy. Secondly, there has been a strong demand from practitioners for the text to be updated to reflect the wide changes in both statute law and case law that has occurred since 1989.

It is in these circumstances that the second edition has been published with all due acknowledgment to the hard work put in by Ian Clarke, Michelle Stevens-Hoare and Edward Rowntree.

Unfortunately it has not proved possible in this work to treat fully the provisions of the Financial Services and Markets Act 2000 as to mortgage regulation. The scope of the regulatory regime has still not been finalised in subordinate legislation and guidance and many provisions of the Act are still not yet in force.

The thrust of the Act is that no unauthorised person will be able to carry out any regulated activity. Authorised persons will only be able to carry out regulated activities for which they have been granted permission. A "regulated activity" is one which is regulated by the Financial Services Authority under the Act.

It is currently anticipated that the FSA's regime of mortgage regulation will come into effect no later than August 31, 2002. This date is referred to as "N3" in the latest Consultation Paper (CP98) published in June 2001 entitled "The Draft Mortgage Sourcebook, including Policy Statement on CP70". This is to be nine months after the 2000 Act (including Part II) finally comes into force. That date is referred to as "N2" in the Consultation Paper and is to be no later than November 30, 2001. The date for response to this Consultation Paper is September 14, 2001.

Thus, any detailed treatment of the Act and its subordinate legislation and guidance at this stage will be premature.

I must also extend my thanks to Peter Kennealy, Thomas Bourke and the other members of staff and the *stagiaires* at the European University Institute, San Domenico di Fiesole, Firenze, for all their help and assistance provided to me earlier this year. I spent happy times in the Library of the EUI revising this work having accompanied my wife whilst she held a Visiting Fellowship at the Institute.

11 Stone Buildings
Lincoln's Inn

July 2001

TABLE OF CASES

Abbey National Building Society v. Cann [1991] A.C. 560	20-03, 20-04, 20-14, 20-39
Abbey National Mortgages Plc v. Bernard (1996) 71 P. & C.R. 257; [1995] N.P.C. 118, CA	16-86
Abbott v. Stratten (1846) 3 J. & Lat. 603	5-11
Abigail v. Lapin [1934] A.C. 491, PC	20-04
Ablett, <i>ex p.</i> Lloyd, <i>Re</i> (1824) 1 Gl. & J. 389	5-16
Adams v. Angell (1877) 5 Ch.D. 634	22-12, 22-14
— v. Scott (1859) 7 W.R. 213	16-68, 16-70
Addison v. Cox (1872-73) L.R. 8 Ch. App. 76, Lord Chancellor	20-18
Adelphi Hotel (Brighton) Ltd, <i>Re; sub nom.</i> District Bank Ltd v. Adelphi Hotel (Brighton) Ltd [1953] 1 W.L.R. 955; [1953] 2 All E.R. 498; 97 S.J. 489, Ch D	27-34
Affleck v. Affleck (1857) 3 Sn. & G. 394	15-07
Agnew v. King [1902] 1 I.R. 471	21-09
Agra and Masterman's Bank, <i>ex p.</i> Asiatic Banking Corp., <i>Re</i> (1867) 2 Ch.App. 391	13-09
Agra Bank v. Barry (1874) L.R. 7 H.L. 135	16-12, 20-14
Ahmed v. Kendrick [1988] 2 F.L.R. 22, CA	15-02, 26-10, 26-41
AIB Finance Ltd v. Alsop; <i>sub nom.</i> AIB Finance Ltd v. Debtors [1998] 2 All E.R. 929; [1998] Lloyd's Rep. Bank. 102; [1998] 1 B.C.L.C. 665; [1998] B.C.C. 780; [1998] B.P.I.R. 533; (1998) 95(14) L.S.G. 22; (1998) 142 S.J.L.B. 108; <i>The Times</i> , March 11, 1998, CA	16-04, 16-06, 6-67, 16-69, 16-103
— v. Debtors. <i>See</i> AIB Finance Ltd v. Alsop	
Aiken v. Stewart Wrightson Members Agency Ltd [1996] 2 Lloyd's Rep. 577; CA; affirming [1995] 1 W.L.R. 1281; [1995] 3 All E.R. 449; [1995] 2 Lloyd's Rep. 618; <i>The Times</i> , March 8, 1995, QBD (Comm Ct)	16-71
Ainsworth v. Wilding (No. 3) [1905] 1 Ch. 435, Ch D	16-34, 25-20
Alba Bank Plc v. Mercantile Holdings Ltd [1994] Ch. 71	16-106
Albany Home Loans Ltd v. Massey; <i>sub nom.</i> Massey v. Albany Life Assurance Co. Ltd [1997] 2 All E.R. 609; [1997] 2 F.L.R. 305; [1997] 2 F.C.R. 145; (1997) 29 H.L.R. 902; (1997) 73 P. & C.R. 509; [1997] Fam. Law 404; (1997) 94(8) L.S.G. 27; (1997) 141 S.J.L.B. 44; [1997] N.P.C. 17A; <i>The Times</i> , February 14, 1997; <i>The Independent</i> , February 14, 1997, CA	16-06, 16-24, 16-34, 16-45, 16-83, 26-41, 27-26
Alcock, <i>Re</i> (1883) 23 Ch.D. 372	18-25
Alderson v. Elgey (1884) 26 Ch.D. 567	21-05
Aldrich v. Cooper (1803) 8 Ves. 382	17-10, 24-10
Aldworth v. Robinson (1840) 2 Beav. 287	24-04
Alec Lobb Garages Ltd v. Total Oil Great Britain Ltd [1985] 1 W.L.R. 173; [1985] 1 All E.R. 303; [1985] 1 E.G.L.R. 33; (1985) 273 E.G. 659; (1985) 82 L.S.G. 45; (1985) 129 S.J. 83, CA	14-11, 18-07, 18-11
Alison, <i>Re</i> (1879) 11 Ch.D. 284	22-24
Alison, Johnson v. Mounsey (1879) 11 Ch.D. 284	16-05
Allcard v. Skinner (1887) 36 Ch.D. 145	26-17, 26-18, 26-22, 26-36, 26-37
Allen v. F O'Hearn & Co. [1937] A.C. 213, PC	16-04
Allen and Clarke v. O'Hearne & Co. <i>See</i> Allen v. F O'Hearn & Co.	
Allfrey v. Allfrey (1849) 1 Mac. & G. 87	25-22
Alliance Bank v. Broom (1864) 2 Dr. & Sm. 289	5-13, 13-14

Alliance Building Society v. Austin [1951] 2 All E.R. 1068; [1951] 2 T.L.R. 1231; [1951] W.N. 623; 96 S.J. 12, Ch D	27-29
— v. Pinwill [1958] Ch. 788; [1958] 3 W.L.R. 1; [1958] 2 All E.R. 408; 102 S.J. 455, Ch D	3-36, 16-24, 26-08, A-14
Alliance Perpetual Building Society v. Belrum Investments Ltd [1957] 1 W.L.R. 720; [1957] 1 All E.R. 635; 101 S.J. 406, Ch D	16-22
Allied Dunbar Assurance Plc v. Fowler [1994] 2 B.C.L.C. 197; [1994] B.C.C. 422; [1994] 25 E.G. 149; <i>The Times</i> , February 22, 1994, QBD	23-28
Alton Corporation, <i>Re</i> [1985] B.C.L.C. 27	4-11, 20-34
Altree v. Altree [1898] 2 Q.B. 267, QBD	12-21
American Express International Banking Corp. v. Hurley [1985] 3 All E.R. 564; [1985] F.L.R. 350; (1985) 135 N.L.J. 1034, QBD	16-06, 16-46, 16-50, 16-52, 16-69, 16-71
Amesbury v. Brown (1750) 1 Ves.Sen. 477	17-05
Amicable Society v. Bolland (1830) 4 Bligh.(n.s.) 194	13-19
Anchor Line (Henderson Bros) Ltd, <i>Re</i> ; <i>sub nom.</i> Companies Act 1929, <i>Re</i> [1937] Ch. 483; [1937] 2 All E.R. 823; 106 L.J. Ch. 211; 53 T.L.R. 806; 156 L.T. 481; 81 S.J. 437, Ch D	11-12
Anderson (A Bankrupt), <i>Re</i> [1911] 1 K.B. 896, KBD	20-21
Anderson v. Radcliffe (1858) E.B. & E. 806	13-11
Andrews v. City Permanent Building Society (1881) 44 L.T. 641	24-08
Angel v. Bryan (1845) 2 Jo. & Lat. 763	25-14
Anglo-Danubian Steam Navigation and Colliery Co., <i>Re</i> (1875) L.R. 20 Eq. 339 ..	11-11
Anglo-Italian Bank v. Davies (1878) 9 Ch.D. 275	16-115
Antoniadi v. Smith [1901] 2 K.B. 589, CA	12-16
Antrobus v. Smith (1805) 12 Ves. 39	13-13
Archer v. Hudson (1844) 7 Beav. 551	26-22
Arden v. Arden (1885) 29 Ch.D. 702	20-17, 20-18
Armstrong v. Jackson [1917] 2 K.B. 822, KBD	26-37
Arnold v. Garner (1847) 2 Ph. 231	25-17
— v. National Westminster Bank Plc (No. 1) [1991] 2 A.C. 93; [1991] 2 W.L.R. 1177; [1991] 3 All E.R. 41; (1991) 62 P. & C.R. 490; [1991] 2 E.G.L.R. 109; [1991] 30 E.G. 57; [1991] E.G.C.S. 49; (1991) 135 S.J. 574; <i>The Times</i> , April 26, 1991, HL	16-114
ARV Aviation Ltd, <i>Re</i> [1989] B.C.L.C. 664; (1988) 4 B.C.C. 708, Ch D	23-19
Ashbury Railway Carriage and Iron Co. v. Richie; <i>sub nom.</i> Riche v. Ashbury Railway Carriage & Iron Co. Ltd (1875) L.R. 7 H.L. 653, HL	15-44
Ashenhurst v. James (1845) 3 Atk. 270	21-08
Asher v. Whitlock (1865) L.R. 1 Q.B. 1	17-15
Ashley Guarantee (formerly Gulf Guarantee Bank) v. Zacaria [1993] 1 W.L.R. 62; [1993] 1 All E.R. 254, CA	16-83, 16-86, 26-40
Ashton v. Blackshaw (1870) L.R. 9 Eq. 510	12-06
Ashworth v. Lord (1887) 36 Ch.D. 545	16-35, 25-09
Astley v. Milles (1827) 1 Sim. 298	22-10, 22-15
Aston v. Heron (1834) 2 My. & K. 390	16-116
Athenaeum Society v. Pooley (1858) 3 D. & J. 294	13-09
Atkinson, <i>Re</i> (1852) 2 De G.M. & G. 140	20-21
Atlantic Computer Systems Plc (No. 1), <i>Re</i> [1992] Ch. 505; [1992] 2 W.L.R. 367; [1992] 1 All E.R. 476; [1991] B.C.L.C. 606; [1990] B.C.C. 859; <i>Financial Times</i> , August 1, 1990, CA	23-18
Att.-Gen. v. Bishopsgate Guano Co. (1879) 11 Ch.D. 327	20-09
— v. Day (1749) 1 Ves. Sen. 218	15-42
Attia v. Finch (1904) 91 L.T. 70	12-21
Averall v. Wade (1835) L. & G.temp.Sugden 252	24-10
Aylward v. Lewis [1891] 2 Ch. 81, Ch D	16-99
Backhouse v. Backhouse; <i>sub nom.</i> B v. B [1978] 1 W.L.R. 243; [1978] 1 All E.R. 1158; (1977) 7 Fam. Law 212; 121 S.J. 710, Fam. Div.	14-09

Badger and Williams v. Shaw and Walker (1860) 2 E. & E. 472	12-04
Baglioni v. Cavalli (1900) 93 L.T. 500	24-15
Bagnall v. Villar (1879) 12 Ch.D. 812	10-06, 16-29
Bagot v. Easton (1877) 7 Ch.D. 1	18-30
Bailey v. Barnes [1894] 1 Ch. 25, CA	16-65, 20-01, 20-11, 20-43
Bainbridge, <i>ex p.</i> Fletcher, <i>Re</i> (1878) 8 Ch.D. 218	12-04, 12-15, 13-20
Baker v. Wind (1748) 1 Ves.Sen. 160	25-10
Balfe v. Lord (1842) 2 Dr. & War. 480	16-92, 18-29
Banco Central SA v. Lingoss & Falce Ltd (The Raven) [1980] 2 Lloyd's Rep. 266, QBD (Comm Ct)	13-09
Banco Exterior Internacional SA v. Thomas [1997] 1 W.L.R. 221; [1997] 1 All E.R. 46; [1997] 1 F.L.R. 703; [1997] 2 F.C.R. 429; [1997] Fam. Law 326, CA	26-22
Bank of Baroda v. Panessar [1987] Ch. 335; [1987] 2 W.L.R. 208; [1986] 3 All E.R. 751; [1987] P.C.C. 165; (1987) 84 L.S.G. 339; (1986) 136 N.L.J. 963; (1987) 131 S.J. 21; <i>The Times</i> , July 10, 1986, Ch D	3-24
— v. Rayarel [1996] E.C.C. 157; [1995] 2 F.L.R. 376; [1995] 2 F.C.R. 631; (1995) 27 H.L.R. 387; [1995] Fam. Law 610; [1995] N.P.C. 6; <i>The Times</i> , January 19, 1995, CA	26-33, 26-34
Bank of Credit and Commerce International (BCCI) SA (In Liquidation) (No. 8), <i>Re</i> ; <i>sub nom.</i> Morris v. Rayners Enterprises Inc; Morris v. Agrichemicals Ltd [1998] A.C. 214; [1997] 3 W.L.R. 909; [1997] 4 All E.R. 568; [1998] Lloyd's Rep. Bank. 48; [1998] 1 B.C.L.C. 68; [1997] B.C.C. 965; [1998] B.P.I.R. 211; (1997) 94(44) L.S.G. 35; (1997) 147 N.L.J. 1653; (1997) 141 S.J.L.B. 229; <i>The Times</i> , November 13, 1997, HL	16-09
Bank of Credit and Commerce International SA (In Liquidation) v. BRS Kumar Brothers Ltd [1994] 1 B.C.L.C. 211, Ch D	16-115
— (No. 8), <i>Re</i> ; <i>sub nom.</i> Morris v. Rayners Enterprises Inc; Morris v. Agri- chemicals Ltd [1998] A.C. 214; [1997] 3 W.L.R. 909; [1997] 4 All E.R. 568; [1998] Lloyd's Rep. Bank. 48; [1998] 1 B.C.L.C. 68; [1997] B.C.C. 965; [1998] B.P.I.R. 211; (1997) 94(44) L.S.G. 35; (1997) 147 N.L.J. 1653; (1997) 141 S.J.L.B. 229; <i>The Times</i> , November 13, 1997, HL	3-25, 5-03
— v. Ali (No. 3) (1999) 149 N.L.J. 1734; <i>The Times</i> , March 2, 2000, Ch D	27-32
Bank of Credit and Commerce International SA v. Aboody [1990] 1 Q.B. 923; [1989] 2 W.L.R. 759; [1992] 4 All E.R. 955; [1990] 1 F.L.R. 354; [1989] C.C.L.R. 63; [1989] Fam. Law 435; (1988) 132 S.J. 1754, CA	26-19, 26-20
Bank of Cyprus (London) Ltd v. Gill [1980] 2 Lloyd's Rep. 51, CA	16-69, 16-70
Bank of Ireland Finance v. DJ Daley Ltd [1978] I.R. 79	1-10, 5-15
Bank of Liverpool v. Holland (1926) 43 T.L.R. 29	13-06
Bank of New South Wales v. O'Connor (1889) L.R. 14 App. Cas. 273, PC	18-24
Bank of Scotland v. Grimes [1985] Q.B. 1179; [1985] 3 W.L.R. 294; [1985] 2 All E.R. 254; [1985] F.L.R. 322; [1985] Fam. Law 314; (1985) 82 L.S.G. 1857; (1985) 136 N.L.J. 411; (1985) 129 S.J. 331, CA	16-84, 16-85, 16-86
— v. MacLeod; <i>sub nom.</i> Bank of Scotland v. Liquidators of Hutchison Main & Co. Ltd [1914] A.C. 311; (1914) 1 S.L.T.111, HL	13-24
Bankes v. Small (1887) 36 Ch.D. 716	15-42
Banner v. Berridge (1881) 18 Ch.D. 254	16-04, 16-73
Banque Financiere de la Cite SA v. Parc (Battersea) Ltd [1999] 1 A.C. 221; [1998] 2 W.L.R. 475; [1998] 1 All E.R. 737; [1998] C.L.C. 520; [1998] E.G.C.S. 36; (1998) 95(15) L.S.G. 31; (1998) 148 N.L.J. 365; (1998) 142 S.J.L.B. 101; <i>The Times</i> , March 2, 1998, HL	21-03
Banque Worms v. Owners of the the Maule (The Maule) [1997] 1 W.L.R. 528; [1997] 1 Lloyd's Rep. 419; [1997] C.L.C. 789; (1997) 141 S.J.L.B. 65, PC ...	16-55
Barber, <i>ex p.</i> Stanford, <i>Re</i> (1886) 17 Q.B.D. 537	12-20
Barclay v. Owen (1889) 60 L.T. 220	22-50, 22-52
Barclay v. Prospect Mortgages, Ltd [1974] 1 W.L.R. 837; [1974] 2 All E.R. 672; 118 S.J. 441, Ch D	13-21

Barclays Bank Ltd v. Bird [1954] Ch. 274; [1954] 2 W.L.R. 319; [1954] 1 All E.R. 449; 98 S.J. 145, Ch D	16-86, 16-122, 16-123
— v. Kiley [1961] 1 W.L.R. 1050; [1961] 2 All E.R. 849; 105 S.J. 569, Ch D	19-03
— v. Stasek [1957] Ch. 28; [1956] 3 W.L.R. 760; [1956] 3 All E.R. 439; 100 S.J. 800, Ch D	19-11
Barclays Bank Plc v. Boulter [1999] 1 W.L.R. 1919; [1999] 4 All E.R. 513; [2000] Lloyd's Rep. Bank. 29; [2000] C.P. Rep. 16; [1999] 2 F.L.R. 986; [1999] 3 F.C.R. 529; (2000) 32 H.L.R. 170; [1999] 3 E.G.L.R. 88; [1999] 49 E.G. 97; [2000] Fam. Law 25; [1999] E.G.C.S. 121; (1999) 96(42) L.S.G. 41; (1999) 96(42) L.S.G. 44; (1999) 149 N.L.J. 1645; (1999) 143 S.J.L.B. 250; [1999] N.P.C. 124; (2000) 79 P. & C.R. D1; <i>The Times</i> , October 26, 1999; <i>The Independent</i> , October 26, 1999, HL	26-32
— v. Caplan [1998] 1 F.L.R. 532; (1999) 78 P. & C.R. 153; [1998] Fam. Law 257; [1997] N.P.C. 164; <i>The Times</i> , December 12, 1997, Ch D	26-45
— v. Coleman [2001] Q.B. 20; [2000] 3 W.L.R. 405; [2000] 1 All E.R. 385; [2000] Lloyd's Rep. Bank. 67; [2000] 1 F.L.R. 343; [2000] 1 F.C.R. 398; [2000] Fam. Law 245; [2000] E.G.C.S. 4; (2000) 97(3) L.S.G. 37; (2000) 144 S.J.L.B. 42; [2000] N.P.C. 2; (2000) 79 P. & C.R. D28; <i>The Times</i> , January 5, 2000; <i>The Independent</i> , February 21, 2000 (C.S.), CA	26-23, 26-25, 26-32
Barclays Bank Ltd v. Taylor [1974] Ch. 137; [1973] 2 W.L.R. 293; [1973] 1 All E.R. 752; (1973) 25 P. & C.R. 172; 117 S.J. 109, CA; reversing [1973] Ch. 63; [1972] 2 W.L.R. 1038; [1972] 2 All E.R. 752; (1972) 23 P. & C.R. 272; 116 S.J. 117, Ch. D.	A-15
— v. Estates & Commercial Ltd (In Liquidation) [1997] 1 W.L.R. 415; (1997) 74 P. & C.R. 30; (1996) 140 S.J.L.B. 67; [1996] N.P.C. 26; <i>The Times</i> , March 13, 1996, CA	1-10
— v. Khaira [1993] 1 F.L.R. 343; [1993] Fam. Law 124, CA	16-05, 26-26
— v. O'Brien [1994] 1 A.C. 180; [1993] 3 W.L.R. 786; [1993] 4 All E.R. 417; [1994] 1 F.L.R. 1; [1994] 1 F.C.R. 357; (1994) 26 H.L.R. 75; (1994) 13 Tr. L.R. 165; [1994] C.C.L.R. 94; [1994] Fam. Law 78; [1993] E.G.C.S. 169; (1993) 143 N.L.J. 1511; (1993) 137 S.J.L.B. 240; [1993] N.P.C. 135; <i>The Times</i> , October 22, 1993; <i>The Independent</i> , October 22, 1993, HL	26-22, 26-22, 26-23, 26-29, 26-30, 26-31, 26-32, 26-33
— v. Prudential Assurance Co. Ltd [1998] B.C.C. 928; [1998] B.P.I.R. 427; [1998] 1 E.G.L.R. 44; [1998] 10 E.G. 159; [1997] E.G.C.S. 131, Ch D	16-21
— v. Rivett [1999] 1 F.L.R. 730; [1998] 3 F.C.R. 304; (1997) 29 H.L.R. 893; [1999] Fam. Law 308; [1997] N.P.C. 18, CA	26-22
— v. Sumner [1996] E.G.C.S. 65, Ch D	26-23
— v. Tennet (unreported), CA	16-83
— v. Zaroovabli; <i>sub nom.</i> Pourdanay v. Barclays Bank Plc [1997] Ch. 321; [1997] 2 W.L.R. 729; [1997] 2 All E.R. 19; [1996] N.P.C. 161; <i>The Times</i> , November 12, 1996, Ch D	16-83
Barker v. Illingworth [1908] 2 Ch. 20, Ch D	16-62
— v. Stickney [1919] 1 K.B. 121, CA	1-10
Barleycorn Enterprises Ltd, <i>Re</i> ; <i>sub nom.</i> Mathias & Davies v. Down (Liquidator of Barleycorn Enterprises Ltd) [1970] Ch. 465; [1970] 2 W.L.R. 898; [1970] 2 All E.R. 155; (1970) 114 S.J. 187, CA	11-25
Barlow v. Gains (1856) 23 Beav. 244	25-08
Barnes v. Glenton [1899] 1 Q.B. 885, CA	16-113
— v. Racster (1842) 1 Y. & C.Ch.Cas. 401	24-13, 24-15
Barnett v. Earl of Guildford (1855) 11 Exch. 19	16-26
— v. Weston (1806) 12 Ves. 130	20-14
Barnhart v. Greenshields (1853) 9 Moo. P.C. 18	1-04, 18-02, 20-12
Baroness Wenlock v. River Dee Co. (1883) 36 Ch.D. 675	15-46
Barr v. Kingsford (1887) 56 L.T. 861	12-18, 12-21
Barratt v. Gough-Thomas (No. 3) [1951] 2 All E.R. 48; [1951] 2 T.L.R. 106; [1951] W.N. 309; 95 S.J. 381, Ch D	18-24

Barrett v. Hartley (1866) L.R. 2 Eq. 789	25-16
Barrow v. Smith (1885) 52 L.T. 798	16-99
Bartholomew v. May (1737) 1 Atk. 487	17-08, 17-10
Bartlett v. Barclays Bank Trust Co. Ltd (No. 2) [1980] Ch. 515; [1980] 2 W.L.R. 430; [1980] 2 All E.R. 92; 124 S.J. 221, Ch D	25-05
— v. Franklin (1867) 15 W.R. 1077	18-26
— v. Rees (1871) L.R. 12 Eq. 395	16-90, 16-98, 18-34
Barton v. Bank of New South Wales (1890) L.R. 15 App. Cas. 379, PC 1-05, 5-15, 18-02	5-14
— v. Gainer (1858) 3 H. & N. 387	11-16
— v. London and North Western Railway Co. (1888) L.R. 38 Ch. D. 144, CA	A-11
Barton v. Reed [1932] 1 Ch. 362, Ch. D.	16-15
Baskett v. Skeel (1863) 11 W.R. 1019	3-19, 13-08
Bateman v. Hunt [1904] 2 K.B. 530, CA	
BCCI SA v. Ali (No. 3). <i>See</i> Bank of Credit and Commerce International SA (In Liquidation) v. Ali (No. 3)	
Beachey, <i>Re</i> ; <i>sub nom.</i> Heaton v. Beachey [1904] 1 Ch. 67, CA	21-02
Beattie, <i>ex p.</i> Kelsall, <i>Re</i> (1846) De G. 352	12-15
Bechaunaland Exploration Co. v. London Trading Bank Ltd [1898] 2 Q.B. 658, QBD (Comm Ct)	11-06
Beckett v. Buckley (1874) L.R. 17 Eq. 435	18-27
— v. Tower Assets Co. Ltd [1891] 1 Q.B. 638, CA	12-17
Beddoes v. Shaw [1937] Ch. 81, Ch D	20-04
Beetham, <i>ex p.</i> Broderick, <i>Re</i> (1887) 18 Q.B.D. 766	5-17
Beevor v. Luck (1867) L.R. 4 Eq. 537	18-33, 24-07
Beirnstien, <i>Re</i> ; <i>sub nom.</i> Barnett v. Beirnstien [1925] Ch. 12, Ch D	1-10, 17-09
Belgravia Insurance Co. v. Meah [1964] 1 Q.B. 436; [1963] 3 W.L.R. 1033; [1963] 3 All E.R. 828; 107 S.J. 871, CA	16-21
Bell, <i>Re</i> ; <i>sub nom.</i> Jeffery v. Sayles [1896] 1 Ch. 1, CA	13-15, 16-74
— v. LNW Railway (1852) 15 Beav. 548	13-03
Bellamy v. Brickenden (1861) 2 J. & H. 137	25-14
Bellinger, <i>Re</i> ; <i>sub nom.</i> Durell v. Bellinger [1898] 2 Ch. 534, Ch D	15-23
Belton v. Bass Ratcliffe and Gretton Ltd [1922] 2 Ch. 449, Ch D	16-68, 16-70
Bence v. Shearman [1898] 2 Ch. 582, CA	13-09
Benjamin Cope & Sons Ltd, <i>Re</i> ; <i>sub nom.</i> Marshall v. Benjamin Cope & Sons Ltd [1914] 1 Ch. 800, Ch D	11-23
Beresford v. Royal Insurance Co. Ltd [1938] A.C. 586, HL	13-09, 13-19
Berkley v. Poulett [1977] 1 E.G.L.R. 86; (1977) 241 E.G. 911; (1976) 120 S.J. 836; <i>The Times</i> , November 4, 1976, CA	15-19
Bernard v. Norton (1864) 10 L.T. 183	18-37
Berney v. Sewell (1820) 1 Jac. W. 647	16-32, 16-115, 16-116
Berwick & Co. v. Price [1905] 1 Ch. 632, Ch D	20-10
Best, <i>Re</i> ; <i>sub nom.</i> Parker v. Best [1924] 1 Ch. 42, Ch D	17-08, 17-10, 24-16
— v. Applegate (1887) 37 Ch. 42	16-100
Bettyes v. Maynard (1883) 49 L.T. 389	16-68
Bickerton v. Walker [1885] 31 Ch.D 151	3-19, 20-04, 21-06, 21-07, A-28
Biggerstaff v. Rowatt's Wharf Ltd [1896] 2 Ch. 93, CA	13-09
Biggs v. Hoddinott [1898] 2 Ch. 307, CA	16-33, 18-08, 18-14, 18-15, 18-22, 25-15, 25-17
Billson v. Residential Apartments Ltd (No. 1) [1992] 1 A.C. 494; [1992] 2 W.L.R. 15; [1992] 1 All E.R. 141; (1992) 24 H.L.R. 218; (1992) 63 P. & C.R. 122; [1992] 1 E.G.L.R. 43; [1992] 01 E.G. 91; (1992) 89(2) L.S.G. 31; (1992) 136 S.J.L.B. 10; <i>The Times</i> , December 13, 1991; <i>The Independent</i> , January 8, 1992, HL	6-04
Birch v. Ellames (1794) 2 Anst. 427	4-11
— v. Wright (1786) 1 T.R. 378	16-22, 16-29, 17-13
Bird v. Syme Thompson [1979] 1 W.L.R. 440; [1978] 3 All E.R. 1027; (1978) 36 P. & C.R. 435; 122 S.J. 470, Ch D	20-36

Bird v. Wenn (1886) 32 Ch.D. 430	25-09
Birkbeck Permanent Benefit Building Society, <i>Re. See</i> Sinclair v. Brougham	
Birmingham Citizens Permanent Building Society v. Caunt [1962] Ch. 883; [1962] 2 W.L.R. 323; [1962] 1 All E.R. 163; 106 S.J. 96, Ch D .16-23, 16-82, 16-84	
Birmingham, <i>Re; sub nom.</i> Savage v. Stannard [1959] Ch. 523; [1958] 3 W.L.R. 10; [1958] 2 All E.R. 397; 102 S.J. 454, Ch D	1-10, 17-09
Bisco v. Earl of Banbury (1676) 1 Ch.Cas. 287	20-11
Bishop v. Bonham [1988] 1 W.L.R. 742; [1988] B.C.L.C. 656; (1988) 4 B.C.C. 347; [1988] F.L.R. 282; (1988) 132 S.J. 933, CA	16-04, 16-06, 16-69, 16-710, 16-71
Biss, <i>Re; sub nom.</i> Biss v. Biss [1903] 2 Ch. 40, CA	6-02, 18-07
—, <i>Re; sub nom.</i> Heasman v. Biss [1956] Ch. 243; [1956] 2 W.L.R. 94; [1956] 1 All E.R. 89; 100 S.J. 35, Ch D	17-09
Blackburn Building Society v. Cunliffe Brooks & Co. (1882) 22 Ch.D. 61	15-44
Blackburn v. Warwick (1836) 2 Y. & C.Ex. 92	25-05
Blackenstein v. Robertson (1890) 24 Q.B.D. 543	12-21
Blackford v. Davis (1869) 4 Ch.App. 304	25-02, 25-03, 25-13
Blaiberg and Abrahams, <i>Re</i> [1899] 2 Ch. 340, Ch D	15-23, A-31
Blakely Ordinance Co., <i>ex p.</i> New Zealand Banking Corp., <i>Re</i> (1867) 3 Ch.App. 154	13-09
Blaker v. Herts and Essex Waterworks Co. (1889) L.R. 41 Ch. D. 399, Ch D ...	11-03, 16-57
Bland v. Ingram's Estates Ltd [2001] E.G.C.S. 7, CA; reversing [1999] 2 E.G.L.R. 49; [1999] 25 E.G. 185; [1999] E.G.C.S. 54; [1999] N.P.C. 45; <i>Independent</i> , May 17, 1999 (C.S.), Ch D	6-03, 16-21
Blandy v. Kimber (No. 2) (1858) 25 Beav. 537	25-05
Blenkhorn, <i>ex p.</i> Jay, <i>Re</i> (1874) 9 Ch.App. 697	12-16
Blennerhasset v. Day (1812) 2 Ball & B. 104	16-25
Bligh v. Benson (1819) 7 Price 205	16-13
Bloomenthal v. Ford; <i>sub nom.</i> Veuve Monnier et Ses Fils Ltd (In Liquidation), <i>Re</i> ; Veuve Monnier et Ses Fils Ltd <i>ex p.</i> Bloomenthal, <i>Re</i> [1897] A.C. 156, HL	11-16
Bloxam v. Metropolitan Rly. Co. (1868) 3 Ch.App. 337	13-11
Bogg, <i>Re; sub nom.</i> Allison v. Paice [1917] 2 Ch. 239, Ch D	16-90
Boldero v. London and Westminster Loan and Discount Co. (1879) 5 Ex.D. 47	12-06
Bolingford v. Hinde (1884) 25 Ch.D. 795	25-02
Bolton v. Buckenham [1891] 1 Q.B. 278, CA	16-111
Bolton Building Society v. Cobb [1966] 1 W.L.R. 1; [1965] 3 All E.R. 814; 109 S.J. 852, Ch D	3-36, 16-24
Bompas v. King (1886) 33 Ch.D. 279	16-28, 25-15
Bonacino, <i>Re ex p.</i> Discount Banking Co. (1894) 1 Mans.59	1-02
Bond Worth Ltd, <i>Re</i> [1980] Ch. 228; [1979] 3 W.L.R. 629; [1979] 3 All E.R. 919; 123 S.J. 216, Ch D	1-15
Bonham v. Maycock (1928) 138 L.T. 736	18-37
— v. Newcomb (1648) 1 Vern. 232n H.L.	16-91
Bonithon v. Hockmore (1685) 1 Vern. 316	25-15
Bonner v. Tottenham and Edmonton Permanent Investment Building Society [1899] 1 Q.B. 161, CA	2-04
Bonnin v. Neame [1910] 1 Ch. 732, Ch D	13-20
Booth v. Salvation Army Building Association (Ltd) (1897) 14 T.L.R. 3	18-12
Boscawen v. Bajwa [1996] 1 W.L.R. 328; [1995] 4 All E.R. 769; (1995) 70 P. & C.R. 391; (1995) 92(21) L.S.G. 37; (1995) 139 S.J.L.B. 111; <i>The Times</i> , April 25, 1995; <i>The Independent</i> , May 23, 1995, CA	21-03
Boss v. Hopkinson (1870) 18 W.R. 725	20-18
Boston's Will Trusts, <i>Re; sub nom.</i> Inglis v. Boston [1956] Ch. 395; [1956] 2 W.L.R. 700; [1956] 1 All E.R. 593; 100 S.J. 209, Ch D	15-32

Botham v. TSB Bank Plc; <i>sub nom.</i> TSB Bank Plc v. Botham [1996] E.G.C.S. 149; [1996] N.P.C. 133; (1997) 73 P. & C.R. D1, CA	6-01
Bourne, <i>Re</i> ; <i>sub nom.</i> Bourne v. Bourne [1906] 2 Ch. 427, CA	15-07, 15-08
Bourton v. Williams (1870) L.R. 4 Ch.App. 655	18-37
Bovey v. Skipwith (1671) 1 Cas. in Ch. 201	24-07
Bovill v. Endle [1896] 1 Ch. 648, Ch D	18-02, 18-24, 18-25, 25-05, A-06
Bowden's Patents Syndicate v. Smith; <i>See</i> EM Bowden's Patents Syndicate Ltd v. Herbert Smith & Co.	
Bowen v. Barlow (1872) L.R. 8 Ch. 171	21-15
— v. Brecon Railway (1867) L.R. 3 Eq. 541	11-23
Bowkett v. Fullers United Electric Works Ltd [1923] 1 K.B. 160, CA	23-21
Boyle's Claim, <i>Re</i> [1961] 1 W.L.R. 339; [1961] 1 All E.R. 620; 105 S.J. 155, Ch D	20-39
Boys, <i>Re</i> (1870) L.R. 10 Eq. 467	25-03
Brace v. Duchess of Marlborough (1728) 2 P.Wms. 491	20-43
Bradbury v. Wild [1893] 1 Ch. 377	8-02
Bradford Advance Co. v. Ayers [1924] W.N. 152	12-20
Bradford Banking Co. Ltd v. Henry Briggs, Son & Co. Ltd (1887) L.R. 12 App. Cas. 29, HL	13-09, 13-22, 20-44
Bradley v. Carritt; <i>sub nom.</i> Carritt v. Bradley [1903] A.C. 253, HL	1-03, 18-15, 18-18, 18-19, 18-21, 18-22, 25-02
— v. Copley (1845) 1 C.B. 685	16-20
Bradshaw v. Widdrington [1902] 2 Ch. 430, CA	22-50, 22-51
Braithwaite v. Winwood [1960] 1 W.L.R. 1257; [1960] 3 All E.R. 642; 104 S.J. 980, Ch D	16-62, 16-83
Bramwell v. Eglington (1864) 5 B. & S. 39	16-22
Brandon v. Brandon (1862) 10 W.R. 287	16-34, 25-14, 25-15
Brandon Hill Ltd v. Lane [1915] 1 K.B. 250, KBD	12-24
Brantom v. Griffiths (1877) 2 C.P.D. 212	12-15
Brearcliffe v. Dorrington (1850) 4 De G. & Sm. 122	20-19
Breton's Estate, <i>Re</i> (1881) 17 Ch.D. 416	13-13
Brewer v. Square [1892] 2 Ch. 111, Ch D	16-105, 18-31
Brice v. Bannister (1878) 3 Q.B.D. 569	13-03, 13-06, 13-09
Bridges v. Mees [1957] Ch. 475; [1957] 3 W.L.R. 215; [1957] 2 All E.R. 577; 101 S.J. 555, Ch D	20-36
Bridgman v. Daw (1891) 40 W.R. 253	17-08
Briggs v. Jones (1870) L.R. 10 Eq. 92	20-04, 20-06
Bright v. Campbell (1885) 54 L.J.Ch. 1077	16-38
Brightlife Ltd, <i>Re</i> [1987] Ch. 200; [1987] 2 W.L.R. 197; [1986] 3 All E.R. 673; [1986] P.C.C. 435; (1987) 84 L.S.G. 653; (1987) 131 S.J. 132, Ch D	11-19, 11-21
Briscoe v. Kenrick (1832) 1 L.J.Ch. 116	16-98, 18-29
Bristol Airport Plc v. Powdrill; <i>sub nom.</i> Paramount Airways Ltd (No. 1), <i>Re</i> [1990] Ch. 744; [1990] 2 W.L.R. 1362; [1990] 2 All E.R. 493; [1990] B.C.L.C. 585; [1990] B.C.C. 130; (1990) 87(17) L.S.G. 28, CA	23-18
Bristol and West Building Society v. Ellis (1997) 29 H.L.R. 282; (1997) 73 P. & C.R. 158; [1996] E.G.C.S. 74; [1996] N.P.C. 63; <i>The Times</i> , May 2, 1996, CA	16-86
— v. Henning [1985] 1 W.L.R. 778; [1985] 2 All E.R. 606; (1985) 17 H.L.R. 432; (1985) 50 P. & C.R. 237; (1985) 82 L.S.G. 1788; (1985) 135 N.L.J. 508; (1985) 129 S.J. 363, CA	20-38
Britannia Building Society v. Earl [1990] 1 W.L.R. 422; [1990] 2 All E.R. 469; (1990) 22 H.L.R. 98; [1990] 25 E.G. 72; (1990) 87(14) L.S.G. 43; (1990) 134 S.J. 756, CA	19-04
— v. Pugh [1997] 2 F.L.R. 7; [1998] 2 F.C.R. 668; (1997) 29 H.L.R. 423; [1997] Fam. Law 478; [1996] E.G.C.S. 128; [1996] N.P.C. 113, CA	26-32
British American Nickel Corp. Ltd v. MJ O'Brien Ltd [1927] A.C. 369, PC	11-04, 11-07

British General Insurance Co. Ltd v. Att.-Gen. [1945] L.J.N.C.C.R. 113	16-73
British India Steam Navigation Co. v. I.R.C. (1881) 7 Q.B.D. 165	11-01, 11-03
British Mutoscope & Biograph Co. Ltd v. Homer [1901] 1 Ch. 671, Ch D	13-01
Brocklesby v. Temperance Permanent Building Society [1895] A.C. 173, HL ...	20-04
Bromley v. Smith (1859) 26 Beav. 644	26-39
Brown & Root Technology Ltd v. Sun Alliance & London Assurance Co. Ltd [2000] 2 W.L.R. 566; (1998) 75 P. & C.R. 223; [1997] 1 E.G.L.R. 39; [1997] 18 E.G. 123; (1997) 94(7) L.S.G. 29; (1997) 141 S.J.L.B. 38; [1996] N.P.C. 183; <i>The Times</i> , January 27, 1997, CA; reversing [1996] Ch. 51; [1995] 3 W.L.R. 558, Ch D	13-13
Brown v. Cole (1845) 14 Sim. 427	2-06, 17-01, 18-01, 18-24
— v. Peto [1900] 2 Q.B. 653, CA	19-07
— v. Sewell (1853) 11 Hare 49	16-16
— v. Stead (1832) 5 Sim. 535	22-15
Brown, Shipley & Co. v. Kough (1885) 29 Ch.D. 848	13-03, 13-04
Brown's Estate, <i>Re</i> ; sub nom. Brown v. Brown [1893] 2 Ch. 300, Ch D	16-111, 22-33
Browne v. Lockhart (1840) 10 Sim. 420	16-13, 18-25
— v. Ryan [1901] 2 I.R. 635	25-17
— v. Savage (1859) 4 Drew 635	20-17, 20-20, 20-35
Browning v. Handiland Group Ltd (1978) 35 P. & C.R. 345, Ch D	16-15, 18-24
Bruce, <i>ex p.</i> (1813) 1 Rose. 374	5-14
—, <i>Re</i> ; sub nom. Halsey v. Bruce [1905] 2 Ch. 372, Ch D	15-26
— v. Garden (1869) 5 Ch.App. 32	13-17, 13-18
Buckley v. Howell (1861) 29 Beav. 546	16-56
Bucknell v. Vickery (1891) 64 L.T. 701	18-12, 25-02, 25-15
Budgen v. Bignold (1843) 2 Y. & C.Ch.Cas. 377	24-15
Bullock v. Lloyds Bank Ltd [1955] Ch. 317; [1955] 2 W.L.R. 1; [1954] 3 All E.R. 726; 99 S.J. 28, Ch D	26-37, 26-38
Burdett, <i>ex p.</i> Byrne, <i>Re</i> (1886) 20 Q.B.D. 310	12-11, 12-20
—, <i>Re</i> (1888) 21 Q.B. 162	3-36
Burgess v. Mawbey (1823) 1 T. & R. 167	17-05
Burn v. Carvalho (1839) 3 My. & C. 690	13-03, 20-22
Burrell v. Lord Egremont (1844) 7 Beav. 205	22-12, 22-13
Burrowes v. Gradin (1843) 1 Dow. & L. 213	16-26
— v. Molloy (1845) 2 Jo. & Lat. 521	16-92, 16-115
Burston Finance, Ltd v. Speirway, Ltd [1974] 1 W.L.R. 1648; [1974] 3 All E.R. 735; 29 P. & C.R. 34; 118 S.J. 882, Ch D	11-27
Business Computers Ltd v. Anglo-African Leasing Ltd [1977] 1 W.L.R. 578; [1977] 2 All E.R. 741; 121 S.J. 201, Ch D	11-21, 13-09
Butchart v. Dresser (1853) 4 De G.M. & G. 542	15-08
Butler v. Butler (1800) 5 Ves. 534	17-08
— v. Rice [1910] 2 Ch. 277, Ch D	21-03
Butlin's Settlement Trusts, <i>Re</i> ; sub nom. Butlin v. Butlin (1974) 118 S.J. 757 ..	15-20
Cadogan v. Dimovic [1984] 1 W.L.R. 609; [1984] 2 All E.R. 168; (1984) 48 P. & C.R. 288; (1984) 270 E.G. 37; (1984) 81 L.S.G. 663, CA	6-03
Calisher v. Forbes (1871) 7 Ch.App. 109	20-17, 20-18
Calvert v. Thomas (1887) 19 Q.B.D. 204	16-57
Camden LBC v. Shortlife Community Housing Ltd (1993) 25 H.L.R. 330; 90 L.G.R. 358; [1992] E.G.C.S. 31; [1992] N.P.C. 52; <i>The Times</i> , March 12, 1992	19-11
Camdex International Ltd v. Bank of Zambia [1998] Q.B. 22; [1996] 3 W.L.R. 759; [1996] 3 All E.R. 431; [1996] C.L.C. 1477; <i>The Times</i> , April 8, 1996, CA	13-06, 13-11
Campbell v. Holyland (1877) 7 Ch.D. 166	16-89, 16-108, 16-109
—, <i>Re</i> [1898] 2 Ch. 206	17-09
Capell v. Winter [1907] 2 Ch. 376, Ch D	20-14

Capital Finance Co. Ltd v. Stokes; <i>sub nom.</i> City Field Properties, <i>Re</i> [1969] 1 Ch. 261; [1968] 3 W.L.R. 899; [1968] 3 All E.R. 625; 19 P. & C.R. 791; 112 S.J. 746, CA	5-11
Carapanayoti & Co. v Comptoir Commercial & Cie SA [1972] 1 Lloyd's Rep. 139; 116 S.J. 96; <i>The Times</i> , December 9, 1971, CA	14-06
Carpenter v. Deen (1889) 23 Q.B.D. 566	12-23
— v. Parker (1857) 3 C.B.N.S. 206	10-04
Carr, <i>Re</i> [1918] 2 I.R. 448	6-05
Carreras Rothmans Ltd v. Freeman Mathews Treasure Ltd (In Liquidation) [1985] Ch. 207; [1984] 3 W.L.R. 1016; [1985] 1 All E.R. 155; [1985] P.C.C. 222; (1984) 81 L.S.G. 2375; (1984) 128 S.J. 614, Ch D	1-15, 5-03
Carritt v. Real and Personal Advance Co. (1889) 42 Ch.D. 263	20-14, A-31
Carter v. Barnardiston (1718) 1 P.Wms. 505	17-10
— v. Palmer (1841) 8 Cl. & F. 657	21-09
— v. Wake (1877) 4 Ch.D. 605	1-07, 3-42, 4-11, 5-17, 16-91, A-15
— v. White (1883) 25 Ch.D. 666	26-03
Cartwright v. Regan [1895] 1 Q.B. 900, QBD	12-21
Casborne v. Scarfe (1738) 1 Atk. 603	17-01, 17-05
Castle Phillips Finance Co. Ltd v. Khan [1980] C.C.L.R. 1	14-11
Cator v. Croydon Canal Co. (1841) 4 Y. & C. Ex. 593	13-03
Caunce v. Caunce [1969] 1 W.L.R. 286; [1969] 1 All E.R. 722; (1969) 20 P. & C.R. 877; 113 S.J. 204, Ch D	20-36, 20-38
Cedar Holdings Ltd v. Green [1981] Ch. 129; [1979] 3 W.L.R. 31; [1979] 3 All E.R. 117; (1979) 38 P. & C.R. 673; 123 S.J. 302, CA	20-36
Central Mortgage Registry of Australia Ltd v. Donemore Pty. Ltd [1984] 2 N.S.W.L.R. 128	20-44
Central Trust and Safe Deposit Co. v. Snider [1916] 1 A.C. 266, PC	5-04
Centrax Trustees v. Ross [1979] 2 All E.R. 952, Ch D	16-85, 18-25
Chadwick v. Heatley (1845) 2 Coll. 137	16-73
Chalikani Venkatarayanim v. Zaminder of Tun (1922) L.R.Ind.App. 41	18-39
Challinor, <i>ex p.</i> (1880) 16 Ch.D. 260	12-19
Chambers v. Goldwin (1804) 9 Ves. 254	21-06, 25-15, A-28
Chaplin v. Chaplin (1734) 3 P.Wms. 245	17-05
— v. Young (No. 1) (1864) 33 Beav. 330	16-24, 16-28, 16-31, 17-11
Chapman v. Chapman (1851) 13 Beav. 308	5-15
— v. Chapman; <i>See</i> Chapman's Settlement Trusts (No. 1), <i>Re</i>	
— v. Smith [1907] 2 Ch. 97, Ch D	19-04
Chapman's Settlement Trusts (No. 1), <i>Re; sub nom.</i> Chapman v. Chapman (No. 1) [1954] A.C. 429; [1954] 2 W.L.R. 723; [1954] 1 All E.R. 798; (1954) 47 R. & I.T. 310; 33 A.T.C. 84; [1954] T.R. 93; 98 S.J. 246, HL	15-31
Charge Card Services Ltd, <i>Re</i> [1989] Ch. 497; [1988] 3 W.L.R. 764; [1988] 3 All E.R. 702; [1988] B.C.L.C. 711; (1988) 4 B.C.C. 524; [1988] P.C.C. 390; [1988] Fin. L.R. 308; (1989) 8 Tr. L.R. 86; (1988) 85(42) L.S.G. 46; (1988) 138 N.L.J. 201; (1988) 132 S.J. 1458; <i>The Times</i> , July 7, 1988; <i>The Independent</i> , July 6, 1988; <i>Financial Times</i> , July 8, 1988; <i>The Guardian</i> , July 7, 1988; <i>Daily Telegraph</i> , July 7, 1988, CA; affirming [1987] Ch. 150; [1986] 3 W.L.R. 697; [1986] 3 All E.R. 289; [1987] B.C.L.C. 17; [1987] P.C.C. 36; [1987] E.C.C. 91; [1987] Fin. L.R. 1; (1986) 83 L.S.G. 3424; (1986) 130 S.J. 801, Ch D	5-03
Charles v. Jones (1886) 33 Ch.D. 80	25-06, 25-11, 27-32
Charlesworth v. Mills [1892] A.C. 231, HL	12-08, 12-09
Charter v. Watson [1899] 1 Ch. 175, Ch D	1-03, 22-25
Charteris, <i>Re; sub nom.</i> Charteris v. Biddulph [1917] 2 Ch. 379, CA	15-32
Chase v. Box (1702) Freem Ch. 261	A-23
Chase v. Westmore (1816) 5 M. & S. 180	1-08
Chatsworth Properties v Effiom [1971] 1 W.L.R. 144; [1971] 1 All E.R. 604; 22 P. & C.R. 365; (1970) 115 S.J. 34, CA	16-46, 19-03

Chattey v. Farndale Holdings Inc (1998) 75 P. & C.R. 298; [1997] 1 E.G.L.R. 153; [1997] 06 E.G. 152; [1996] N.P.C. 136; <i>The Times</i> , October 17, 1996, CA	1-10
Cheah Theam Swee v. Equiticorp Finance Group [1992] 1 A.C. 472; [1992] 2 W.L.R. 108; [1991] 4 All E.R. 989; [1992] B.C.L.C. 371; [1992] B.C.C. 98; (1992) 89(1) L.S.G. 32; (1991) 135 S.J.L.B. 205; [1991] N.P.C. 119; <i>The Times</i> , November 21, 1991, PC	16-05, 16-08, 16-09, 20-23
Chelsea Estates Investment Trust Co. Ltd v. Marche [1955] Ch. 328; [1955] 2 W.L.R. 139; [1955] 1 All E.R. 195; 99 S.J. 77, Ch D	6-03, 16-21
Cheltenham & Gloucester Building Society v. Grant (1994) 26 H.L.R. 703; <i>The Times</i> , May 9, 1994, CA	16-86
— v. Grattidge (1993) 25 H.L.R. 454; [1993] N.P.C. 66; <i>The Times</i> , April 9, 1993, CA	16-09
— v. Norgan [1996] 1 W.L.R. 343; [1996] 1 All E.R. 449; [1996] 2 F.L.R. 257; [1996] 3 F.C.R. 621; (1996) 28 H.L.R. 443; (1996) 72 P. & C.R. 46; [1996] Fam. Law 610; [1995] E.G.C.S. 198; (1996) 93(2) L.S.G. 29; (1995) 145 N.L.J. 1849; (1996) 140 S.J.L.B. 11; [1995] N.P.C. 192; <i>The Times</i> , December 8, 1995; <i>The Independent</i> , December 14, 1995, CA	16-84, 16-86
— v. Obi (1996) 28 H.L.R. 22, CA	16-84
Cheltenham & Gloucester Plc v. Krausz [1997] 1 W.L.R. 1558; [1997] 1 All E.R. 21; (1997) 29 H.L.R. 597; (1996) 93(43) L.S.G. 26; (1996) 146 N.L.J. 1813; (1996) 140 S.J.L.B. 260; [1996] N.P.C. 144; (1997) 73 P. & C.R. D16; <i>The Times</i> , November 20, 1996, CA	16-86, 16-103, 16-105
Chessum v. Dewes (1828) 5 Russ. 29	6-05
Chesterfield v. Janssen [1750] 1 Atk. 301; 2 Ves.Sen. 125	14-09
Chesworth v. Hunt (1880) 5 C.P.D. 266	24-02, 24-05
Chetwynd v. Allen [1899] 1 Ch. 353, Ch D	21-03
Chhokar v. Chhokar [1984] F.L.R. 313; [1984] Fam. Law 269; (1983) 80 L.S.G. 3243, CA	20-39
China and South Seas Bank Ltd v. Tan [1990] 1 A.C. 536; [1990] 2 W.L.R. 56; [1989] 3 All E.R. 839; [1990] 1 Lloyd's Rep. 113; (1989) 86(46) L.S.G. 37; (1989) 139 N.L.J. 1669; (1990) 134 S.J. 165; <i>The Times</i> , November 14, 1989; <i>The Independent</i> , January 2, 1990; <i>Daily Telegraph</i> , January 29, 1990, PC	16-05, 16-09, 16-34
Chinnery v. Evans (1864) 11 H.L.C. 115	22-50, 22-51
Chioggia, The [1898] P. 1, PDAD	24-12
Chippendale, <i>ex p.</i> (1835) 1 Deac. 67	5-15
Cholmeley v. Paxton (1825) 3 Bing. 207	16-66
Cholmley v. Countess of Oxford (1741) 2 Atk. 267	16-120
Christie v. Taunton Delmard Lane & Co. [1893] 2 Ch. 175, Ch	13-09
Christonette International, <i>Re</i> [1982] 1 W.L.R. 1245; [1982] 3 All E.R. 225; (1982) 79 L.S.G. 1025; 126 S.J. 561, Ch D	11-25
Christopher v. Sparke (1820) 2 Jac. & W. 223	17-13
Christy v. Van Tromp [1886] W.N. 111	16-105
Church of England Building Society v. Piskor [1954] Ch. 553; [1954] 2 W.L.R. 952; [1954] 2 All E.R. 85; 98 S.J. 316, CA	A-14
CIBC Mortgages Plc v. Pitt [1994] 1 A.C. 200; [1993] 3 W.L.R. 802; [1993] 4 All E.R. 433; [1994] 1 F.L.R. 17; [1994] 1 F.C.R. 374; (1994) 26 H.L.R. 90; (1994) 13 Tr. L.R. 180; [1994] C.C.L.R. 68; [1993] Fam. Law 79; [1993] E.G.C.S. 174; (1993) 143 N.L.J. 1514; (1993) 137 S.J.L.B. 240; [1993] N.P.C. 136; <i>The Times</i> , October 22, 1993; <i>The Independent</i> , October 22, 1993, HL	26-19, 26-20, 26-32
Cimex Tissues Ltd, <i>Re</i> [1995] 1 B.C.L.C. 409; [1994] B.C.C. 626 Ch D	11-18
Circuit Systems Ltd (In Liquidation) v. Zuken-Redac (UK) Ltd [1997] 1 W.L.R. 721; [1996] 3 All E.R. 748; [1996] 2 B.C.L.C. 349; 80 B.L.R. 25; (1996) 93(16) L.S.G. 30; (1996) 140 S.J.L.B. 99; <i>The Times</i> , April 5, 1996, CA	16-46
Citibank Trust v. Ayivor [1987] 1 W.L.R. 1157; [1987] 3 All E.R. 241; [1987] 1 F.T.L.R. 1; (1987) 19 H.L.R. 463; (1987) 84 L.S.G. 2766; (1987) 131 S.J. 1122, Ch D	16-83, 16-87