

STREET ON TORTS

Seventh Edition

Butterworths

THE LAW OF TORTS |

by

HARRY STREET, C.B.E., Ph.D., LL.D., F.B.A.

Solicitor; Professor of English Law in the University of Manchester

LONDON
BUTTERWORTHS

1983

England	Butterworth & Co (Publishers) Ltd 88 Kingsway, London WC2B 6AB
Australia	Butterworths Pty Ltd 271-273 Lane Cove Road, North Ryde, NSW 2113 Also at Melbourne, Brisbane, Adelaide and Perth
Canada	Butterworth & Co (Canada) Ltd 2265 Midland Avenue, Scarborough, Ont M1P 4S1 Butterworth & Co (Western Canada) Ltd 409 Granville Street, Ste 856, Vancouver, BC V6C 1T2
New Zealand	Butterworths of New Zealand Ltd 33-35 Cumberland Place, Wellington
Singapore	Butterworth & Co (Asia) Pte Ltd Crawford Post Office Box 770 Singapore 9119
South Africa	Butterworth & Co Publishers (Pty) Ltd Box No 792 Durban
United States of America	Mason Publishing Company Finch Building, 366 Wacouta Street, St Paul, Minn 55101 Butterworth (Legal Publishers) Inc 15014 N.E. 40th, Suite 205, Redmond, Washington 98052 Butterworth (Legal Publishers) Inc 381 Elliott Street, Newton, Upper Falls, Mass 02164

© Butterworth & Co (Publishers) Ltd 1983

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without the written permission of the copyright holder, application for which should be addressed to the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature.

This book is sold subject to the Standard Conditions of Sale of Net Books and may not be re-sold in the UK below the net price fixed by Butterworths for the book in our current catalogue.

ISBN Hardcover 0 406 66208 8
Softcover 0 406 66209 6

Printed by Butler & Tanner Ltd, Frome and London

THE
LAW OF TORTS

PREFACE

In the 30 years I have been concerned with the preparation of this book no edition has needed so many changes as this one. The courts have made radical alterations (mostly for the better) in the law of negligence. Over the whole field of tort the annual incidence of reported decisions has been well above the 20th century average. Parliament, too, has been exceptionally active. The Torts (Interference with Goods) Act, the Limitation Act, the Employment Acts and the Administration of Justice Act have all necessitated extensive re-writing. Other tort text book editors are content to paraphrase new Acts. I have followed my usual policy of trying both to assess their meaning and to write a critique. I have also introduced new chapters. So much has happened in the courts on Damages since I wrote the first English law monograph on it over 20 years ago that I have now recognised its practical importance by writing a separate chapter.

It is desirable to see how tort links up with insurance and social security as a compensation mechanism, and how techniques of loss spreading, and shifting costs are being evolved. I thought that I should no longer fail to utilise my twenty-odd years experience as a chairman of a local national insurance tribunal and I have therefore added a second new chapter on this topic.

I have considered carefully whether to write on economic tort theory. Its inclusion would be justified only if it affected judicial thinking or made tort easier for students to grasp. The English bench has no equivalent to American judges like Traynor J. who cast themselves in a regulatory role. There is no judicial involvement in economic theory here. Maybe our judges are not interested in Posner and Calabresi because they realise that tort cases usually involve random interactions between strangers rather than planned interaction between persons with exchange mechanisms. I conclude that a student will not understand the English law of torts the better by mastering the writings of these economists.

After all the re-writing I was pleasantly surprised to find that the book is one page shorter than the previous edition.

I have endeavoured to state the law in accordance with the sources available to me in January 1983.

February 1983

HARRY STREET

LIST OF CASES

Pages on which cases are principally treated are indicated by the use of bold figures.

A		PAGE	PAGE
A.M.F. International, Ltd. v. Magnet Bowling, Ltd. (1968)	175, 181, 182, 183		
A.V.X. Ltd. v. E.G.M. Solders, Ltd. (1982)	44		
Abbott v. Refuge Assurance Co., Ltd. (1962)	405, 406		
Abrahams v. Deakin (1891)	426		
Abraha v. North Eastern Ry. Co. (1883)	405		
Ackerley v. Parkinson (1815)	87		
Acres Ltd. v. W. S. Hatrell & Partners (1982) affd. on appeal (1983)	106, 194		
Acrow (Automation), Ltd. v. Rex Chainbelt, Inc. (1971)	365, 366		
Acton Corporation v. Morris (1953)	58, 60		
Adam v. Ward (1917)	306, 327, 328, 330		
Adams v. Kelly (1824)	315		
Adams v. War Office (1955)	458		
Adamson v. Jarvis (1827)	479		
Addie (R.) & Sons (Collieries) v. Dumbreck (1929)	176, 187		
Addis v. Crocker (1961)	323		
Admiralty Commissioners v. S.S. Amerika (1917)	214		
Admiralty Commissioners v. S.S. Volante (1922)	146, 147, 148		
Aitken v. Bedwell (1827)	26		
Aitken v. Gardiner (1956)	48		
Ajello v. Worsley (1898)	374		
Aktiebolaget Manus v. R. J. Fullwood and Bland, Ltd. (1954)	385		
Albert v. Lavin (1982)	70		
Albert (Prince) v. Strange (1849)	409		
Albion, The. See Stone (Thomas) (Shipping), Ltd. v. Admiralty, The Albion.			
Albutt v. General Council of Medical Education and Registration (1889)	331		
Alcott v. Millar's Karri and Jarrah Forests, Ltd. (1904)	374		
Alderson v. Booth (1969)	84		
Aldham v. United Dairies (London), Ltd. (1940)	201		
Aldrich v. Henry Boyer, Ltd. (1960)	191		
Aldworth v. Stewart (1866)	80		
Alexander v. Jenkins (1892)	300, 304		
Alexander v. North Eastern Ry. Co. (1865)	318		
Alexander v. Southey (1821)	29, 44		
Alford v. National Coal Board (1952)	288, 430		
Allen v. Flood (1898)	347, 349, 365		
Allen v. Gulf Oil Refining Ltd. (1981)	240, 253		
Allen v. Wright (1838)	82, 85		
Allen (W. H.) & Co. v. Brown Watson, Ltd. (1965)	378		
Allsop v. Allsop (1860)	301		
Allsop v. Church of England Newspaper, Ltd. (1972)	308		
Almeroth v. Chivers & Sons, Ltd. (1948)	252		
Ambergate Ry. Co. v. Midland Ry. Co. (1853)	77		
American Cyanamid Co. v. Ethicon, Ltd. (1975)	360, 444		
American Express Co. v. British Airways Board (1982)	459		
Anderson v. Gorrie (1895)	87, 323		
Anderson v. Oppenheimer (1880)	269		
Anderson (W. B.) & Sons, Ltd. v. Rhodes (Liverpool), Ltd. (1967)	203, 393		
André & Cie, S.A. v. Ets Michel Blanc et Fils (1977)	395		
Andreae v. Selfridge & Co., Ltd. (1938)	234, 239, 241, 254		
Andrews v. Freeborough (1967)	213		
Andrews v. Hopkinson (1957)	166		
Andrews v. Marris (1841)	85		
Andrews v. Mockford (1896)	390		
Anglo-Celtic Shipping Co., Ltd. v. Elliott and Jeffrey (1926)	164		
Anglo-Newfoundland Development Co., Ltd. v. Pacific Steam Navigation Co. (1924)	120		
Anglo-Scottish Beet Sugar Corporation Ltd. v. Spalding Urban District Council (1937)	393		
Annabel's (Berkeley Square), Ltd. v. G. Schock (1972)	382		
Anns v. Merton London Borough Council (1978)	97, 98, 101, 106, 120, 166, 168, 192, 194, 248		
Ansell v. Thomas (1974)	26		
Anthony v. Haney (1832)	74, 75		
Apley Estates Co., Ltd. v. De-Bernales (1946)	449		
Apollinaris Co., Ltd. v. Norrish (1875)	379		
Apthorp v. Neville (1907)	311		
Arenson v. Casson Beckman Rutley & Co. (1975)	203		
Argy Trading Development Co., Ltd. v. Lapid Developments, Ltd. (1977)	204		
Argyll (Duchess) v. Duke of Argyll (1967)	409, 410		
Arkwright v. Newbold (1881)	388		
Armory v. Delamirie (1722)	34		

	PAGE		PAGE
Armstrong v. Strain (1951)	393	Baker v. Bolton (1808)	214
Arneil v. Paterson (1931)	476	Baker v. Carrick (1894)	329, 335
Arnison v. Smith (1889)	391	Baker v. E. Longhurst & Sons, Ltd. (1933)	111
Arpad, The (1934)	43, 50	Baker v. James (1921)	196
Ash v. Dickie (1936)	47	Baker v. Market Harborough Industrial Co-operative Society, Ltd. (1953)	128
Ash v. Hutchinson & Co., Ltd. (1936):	438, 473	Baker v. T. E. Hopkins & Son, Ltd. (1958)	107, 140, 155, 158
Ash v. Lady Ash (1696)	79, 469	Baker v. Willoughby (1970)	208
Ashby v. Tolhurst (1937)	36	Balcomb v. Wards Construction (Med- way), Ltd. (1980)	203
Ashby v. White (1703): 277, 278, 279, 283 , 286, 408 , 433		Balden v. Shorter (1933)	371, 373
Ashdown v. Samuel Williams & Sons, Ltd. (1957)	185, 190	Baldwin v. Cole (1704)	43
Ashley v. Harrison (1793)	352	Balfour v. Barty-King (1957): 262, 266, 272, 422	
Ashley v. Vickers (1983)	214	Ball v. London County Council (1949): 165, 191	
Ashmore, Benson, Pease & Co., Ltd. v. A. V. Dawson (1973)	90	Ball v. Ray (1873)	240, 241
Ashton v. Turner (1981)	90, 97, 159	Ballard v. North British Ry. Co. (1923)	126, 129, 130, 196
Asoka Kumar David v. Abdul Cader. <i>See</i> David (Asoka Kumar) v. Abdul Cader.		Ballett v. Mingay (1943)	468
Associated Newspapers, Ltd. v. Dingle (1964)	342	Balme v. Hutton (1833)	55
Astaire v. Campling (1965)	304	Balmer v. Hayes (1950)	282
Athletes Foot Marketing Associates, Inc. v. Cobra Sports Co. (1980)	382	Bamford v. Turnley (1862)	238, 241
Atkinson v. Newcastle Waterworks Co. (1871)	279	Banbury v. Bank of Montreal (1918)	395
Atkinson v. Newcastle Waterworks Co. (1877)	277, 282, 284	Bank View Mills, Ltd. v. Nelson Corpora- tion (1942)	476
Attersoll v. Stevens (1808)	55, 62	Bank voor Handel en Scheepvaart v. Ad- ministrator of Hungarian Property (1954)	417, 456
A.-G. v. Canter (1939)	4	Bank voor Handel en Scheepvaart v. Slatford (1953)	417
A.-G. v. Colchester Corporation (1955)	370	Barber v. Pigden (1937)	466
A.-G. v. Corke (1933)	262	Barfoot v. Reynolds (1734)	71
A.-G. v. Cory Brothers & Co. (1918) 262, 264, 267, 269		Barker v. Braham (1773)	420
A.-G. v. Gastonia Coaches, Ltd. (1977)	251	Barker v. Furlong (1891)	42, 55
A.-G. v. Hastings Corporation (1950)	239	Barker v. Herbert (1911)	257
A.-G. v. Jonathan Cape, Ltd. (1976)	410	Barkway v. South Wales Transport Co., Ltd. (1949)	125, 126 , 129
A.-G. v. P.Y.A. Quarries, Ltd. (1957)	256	Barnard v. Gorman (1941)	82
A.-G. v. Stone (1895)	246	Barnes v. Hampshire County Council (1969)	97
A.-G. v. Tomline (1880)	65	Barnes v. Irwell Valley Water Board (1939)	166
A.-G. and General Council of Medical Education of United Kingdom Regis- tration v. Barrett Proprietaries, Ltd. (1932)	385	Barnes v. Ward (1850)	257
A.-G. for New South Wales v. Perpetual Trustee Co., Ltd. (1952)	352, 359	Barnett v. Chelsea and Kensington Hospital Management Committee (1969)	133, 423
A.-G. of St. Christopher, Nevis and Anguilla v. Reynolds (1980)	28, 436	Barnett v. Cohen (1921)	216
Attwood v. Chapman (1914)	323	Barnett v. Earl of Guildford (1855)	64
Austin v. Dowling (1870)	27	Barnett v. H. and J. Packer & Co., Ltd. (1940)	167
Australian Newspaper Co. v. Bennett (1894)	307	Barrett v. Associated Newspapers, Ltd. (1907)	375
B		Barrette v. Franki Compressed Pile Co. of Canada, Ltd. (1955)	261
Badham v. Lambs, Ltd. (1946)	279	Barrow v. Arnaud (1846)	50
Badkin v. Powell (1776)	54	Bartlett v. Tottenham (1932)	263
Bagot v. Stevens Scanlan & Co., Ltd. (1966)	205	Barton v. Armstrong (1969)	22
Baird v. Williamson (1863)	263	Bartonshill Coal Co. v. McGuire (1858):	415
Baker v. Barclay's Bank, Ltd. (1955)	46	Bartonshill Coal Co. v. Reid (1858)	195

	PAGE		PAGE
Barwick v. English Joint Stock Board (1867)	431	Biba Group v. Biba Boutique (1980)	378
Basche v. Matthews (1867)	403	Biddle v. Truvox Engineering Co., Ltd. (1952)	279
Basely v. Clarkson (1681)	61	Bidwell v. Briant (1956)	138
Batcheller v. Tunbridge Wells Gas Co. (1901)	262	Billings (A. C.) & Sons, Ltd. v. Riden (1958)	165, 170, 191, 192
Baten's Case (1610)	232	Birch v. Thomas (1972)	158
Bates v. Parker (1953)	180	Bird v. Holbrook (1828)	22, 73
Bates v. Stone Parish Council (1954)	177	Bird v. Jones (1845)	23, 24
Batts Combe Quarry, Ltd. v. Ford (1943)	353	Bird v. O'Neill (1960)	363
Batty v. Metropolitan Property Realisations, Ltd. (1978)	101, 166, 168, 192, 205	Bird v. Pearce and Somerset County Council (1979)	201, 460
Baume & Co., Ltd. v. A. H. Moore, Ltd. (1958)	384	Bird v. Randall (1762)	359
Bavins, Junr. and Sims v. London and South Western Bank (1900)	36	Bird v. Tower Hamlets London Borough Council (1969)	460
Baxter v. Taylor (1832)	65	Birkett v. Hayes (1982)	211
Baxter v. Woolcombers, Ltd. (1963)	149	Birkett v. James (1978)	452
Bayley v. Manchester, Sheffield and Lincolnshire Ry. Co. (1873)	13, 427	Bishop v. Consolidated London Properties, Ltd. (1933)	173
Beach v. Freeson (1971)	334	Bishop v. Cunard White Star Co., Ltd. (1950)	218
Beaman v. A.R.T.S., Ltd. (1949)	52, 454	Bishop v. Latimer (1861)	318
Beard v. London General Omnibus Co. (1900)	427	Bishopgate Motor Finance Corporation, Ltd. v. Transport Brakes, Ltd. (1949):	39
Beatson v. Skene (1860)	322	Bisney v. Swanston (1972)	64, 435
Beauesert Shire Council v. Smith (1966)	246	Black v. Christchurch Finance Co. (1894)	270, 422
Beckett v. Newalls Insulation Co., Ltd. (1953)	164	Black v. Fife Coal Co., Ltd. (1912)	197
Beckham v. Drake (1849)	472	Blackman v. Pugh (1846)	334
Beckwith v. Shordike (1767)	59	Blades v. Higgs (1861)	75
Behrens v. Bertram Mills, Ltd. (1957): 151, 217		Blake v. Barnard (1840)	21
Bell v. Stone (1798)	304	Blake v. Lanyon (1795)	350
Belmont Finance Co., Ltd. v. Williams Furniture, Ltd. (1979)	361	Blakemore v. Bristol and Exeter Ry. Co. (1858)	171
Beloff v. Pressdram, Ltd. (1973)	409	Blamires v. Lancashire and Yorkshire Ry. Co. (1873)	120
Belsize Motor Supply Co. v. Cox (1914): 32, 46		Blankley v. Godley (1952)	61
Belvoir Finance Co., Ltd. v. Stapleton (1971)	89	Blenheim Borough and Wairau River Board v. British Pavements (Canterbury), Ltd. (1940)	49
Benjamin v. Storr (1874)	256, 257	Blennerhassett v. Novelty Sales Services, Ltd. (1933)	303
Benmax v. Austin Motor Co., Ltd. (1955)	122	Bliss v. Hall (1838)	251
Bennett v. Chemical Construction (Great Britain), Ltd. (1971)	125	Bloodworth v. Gray (1844)	299
Bennett v. Tugwell (1971)	158	Bloxam v. Sanders (1825)	33
Benson v. Biggs Wall & Co., Ltd. (1982)	214, 218	Blundy Clark & Co., Ltd. v. London and North Eastern Ry. Co. (1931): 256, 279, 286	
Bents Brewery Co., Ltd. v. Hogan (1945)	352, 355	Blyth v. Birmingham Waterworks Co. (1856)	113
Bermingham v. Sher Brothers (1980): 177, 180		Boakes v. Postmaster-General (1962)	459
Bernstein of Leigh (Baron) v. Skyviews and General Ltd. (1978)	61, 410	Boaler v. Holder (1887)	403
Berrill v. Road Haulage Executive (1952)	151	Boardman v. Sanderson (1964)	104
Berry v. British Transport Commission (1961)	402	Bocock v. Enfield Rolling Mills, Ltd. (1954)	437
Berry v. Humm & Co. (1915)	217	Bodley v. Reynolds (1846)	49
Best v. Samuel Fox & Co., Ltd. (1952)	301, 399, 400	Bognor Regis Urban District Council v. Champion (1972)	306
Beverley Acceptances, Ltd. v. Oakley (1982)	40	Bolam v. Friern Hospital Management Committee (1957)	117
		Bollinger (J.) v. Costa Brava Wine Co., Ltd. (1960)	383
		Bolton v. Stone (1951)	108, 173, 236

	PAGE		PAGE
Bone <i>v.</i> Seal (1975)	245	Brewer <i>v.</i> Sparrow (1827)	449
Bonnard <i>v.</i> Perryman (1891)	343	Bridges <i>v.</i> Hawkesworth (1851)	34
Bonnington Castings, Ltd. <i>v.</i> Wardlaw (1956)	288	Bridgman <i>v.</i> Stockdale (1953)	336
Booth <i>v.</i> Arnold (1895)	300	Bridgmont <i>v.</i> Associated Newspapers, Ltd. (1951)	313
Booth & Co. (International), Ltd. <i>v.</i> National Enterprise Board (1978): 279, 286		Bridlington Relay, Ltd. <i>v.</i> Yorkshire Electricity Board (1965)	235
Boothman <i>v.</i> British Northop, Ltd. (1972)	152	Brierly <i>v.</i> Kendall (1852)	56
Boots <i>v.</i> Grundy (1900)	363	Briess <i>v.</i> Woolley (1954)	389, 393, 425
Boston <i>v.</i> W. S. Bagshaw & Sons (1966):	333	Brimelow <i>v.</i> Casson (1924)	356
Botterill <i>v.</i> Whytehead (1879)	326	Brinsmead <i>v.</i> Harrison (1872)	477
Bottomley <i>v.</i> Bannister (1932)	98, 192	Brinsmead (John) & Sons, Ltd. <i>v.</i> Brins- mead and Waddington & Sons, Ltd. (1913)	378
Bottomley <i>v.</i> F. W. Woolworth & Co., Ltd. (1932)	309	Bristol and West of England Bank <i>v.</i> Midland Ry. Co. (1891)	44
Bourhill <i>v.</i> Young. <i>See</i> Hay (or Bourhill) <i>v.</i> Young.		Bristow <i>v.</i> Cormican (1878)	63
Bowater <i>v.</i> Rowley Regis Corporation (1944)	156, 158	British Broadcasting Corporation <i>v.</i> Hearn (1978)	358
Bowen <i>v.</i> Anderson (1894)	250	British Cast Plate Manufacturers (Gov- ernor & Co.) <i>v.</i> Meredith (1794)	75
Bowen <i>v.</i> Hall (1881)	301, 349, 354	British Celanese, Ltd. <i>v.</i> A. H. Hunt (Capacitors), Ltd. (1969): 100, 237, 266, 268, 273	
Bower <i>v.</i> Peate (1876)	247, 421	British Columbia Electric Ry. Co., Ltd. <i>v.</i> Loach (1916)	145
Bowker <i>v.</i> Rose (1978)	210	British Economical Lamp Co., Ltd. <i>v.</i> Empire, Mile End, Ltd. (1913)	45, 76
Bowmakers, Ltd. <i>v.</i> Barnet Instruments, Ltd. (1945)	89	British Homophone, Ltd. <i>v.</i> Kunz and Crystallate Gramophone Record Manufacturing Co., Ltd. (1935)	350
Box <i>v.</i> Jubb (1879)	270	British Industrial Plastics, Ltd. <i>v.</i> Fer- guson (1940)	350, 353, 410
Boxes, Ltd. <i>v.</i> British Waterways Board (1971)	264	British Motor Trade Association <i>v.</i> Gray (1951)	349
Boxsius <i>v.</i> Goblet Frères (1894)	315, 329	British Motor Trade Association <i>v.</i> Sal- vadori (1949)	353, 354, 359
Boy Andrew (Owners), Ltd. <i>v.</i> Owners of the St. Rognvald (1948)	147, 148	British Railway Traffic and Electric Co. <i>v.</i> C.R.C. Co. and London County Council (1922)	374
Boyce <i>v.</i> Douglas (1807)	474	British Railways Board <i>v.</i> Herrington (1972)	187, 188
Boyd <i>v.</i> Great Northern Ry. Co. (1895):	256	British Road Services, Ltd. <i>v.</i> Arthur V. Crutchley & Co., Ltd. (1967)	431
Boyle <i>v.</i> Kodak, Ltd. (1969)	289	British Road Services, Ltd. <i>v.</i> Slater (1964)	249
Bracewell <i>v.</i> Appleby (1975)	255	British Russian Gazette and Trade Out- look, Ltd. <i>v.</i> Associated Newspapers, Ltd. (1933)	449
Bradburn <i>v.</i> Great Western Ry. Co. (1874)	210	British Steel Corporation <i>v.</i> Granada Television, Ltd. (1981)	410
Braddock <i>v.</i> Bevins (1948)	304, 336	British Transport Commission <i>v.</i> Gour- ley (1956)	206, 434
Bradford <i>v.</i> Robinson Rentals, Ltd. (1967)	135	British Vacuum Cleaner Co., Ltd. <i>v.</i> New Vacuum Cleaner Co., Ltd. (1907)	379
Bradford Corporation <i>v.</i> Pickles (1895):	239, 258	Broadway Approvals, Ltd. <i>v.</i> Odhams Press, Ltd. (1965)	338
Bradford Third Equitable Benefit Build- ing Society <i>v.</i> Borders (1941): 388, 390, 394		Brock <i>v.</i> Richards (1951)	201
Bradlaugh <i>v.</i> Gossett (1884)	87	Broder <i>v.</i> Saillard (1876)	263
Bradley <i>v.</i> Copley (1845)	33	Bromley <i>v.</i> Mercer (1922)	195, 256
Bradshaw <i>v.</i> Waterlow & Sons, Ltd. (1915)	405	Brooke <i>v.</i> Bool (1928)	473, 474
Braham <i>v.</i> J. Lyons & Co., Ltd. (1962):	281		
Braithwaite <i>v.</i> South Durham Steel Co., Ltd. (1958)	176		
Brand <i>v.</i> Hammersmith and City Ry. Co. (1867)	238		
Brandeis Goldschmidt & Co., Ltd. <i>v.</i> Western Transport, Ltd. (1981)	50, 51		
Brandon <i>v.</i> Osborne, Garrett & Co. (1924)	150		
Bray <i>v.</i> Palmer (1953)	128		
Brekkes <i>v.</i> Cattel (1972)	352, 369		
Brew Brothers, Ltd. <i>v.</i> Ross Snax, Ltd. (1970)	250		
Brewer <i>v.</i> Dew (1843)	52, 472		

	PAGE
Brooks <i>v.</i> Hodgkinson (1859)	86
Brooks <i>v.</i> London and North Western Ry. Co. (1884)	116
Broom <i>v.</i> Morgan (1953)	79, 425
Broome <i>v.</i> Agar (1928)	307
Brown <i>v.</i> Brash and Ambrose (1948)	62
Brown <i>v.</i> Chapman (1848)	27
Brown <i>v.</i> Cotterill (1934)	166
Brown <i>v.</i> Edgington (1841)	396
Brown <i>v.</i> Hawkes (1891)	405, 406
Brown <i>v.</i> Raphael (1958)	391
Brown <i>v.</i> Rolls Royce, Ltd. (1960)	120, 199
Brown <i>v.</i> Smith (1853)	342
Brown <i>v.</i> Thompson (1968)	479
Brown <i>v.</i> Watson (1871)	85
Brown, Jenkinson & Co., Ltd. <i>v.</i> Percy Dalton (London), Ltd. (1957)	390
Brown (Thomas) & Sons <i>v.</i> Fazal Deen (1962)	89
Browne <i>v.</i> D. C. Thomson & Co., Ltd. (1912)	313
Browne <i>v.</i> Dawson (1840)	63
Browne <i>v.</i> Dunn (1893)	324
Browning <i>v.</i> War Office (1963)	208, 210
Brownlie <i>v.</i> Campbell (1880)	389
Bruce <i>v.</i> Odhams Press, Ltd. (1936)	313
Brunner <i>v.</i> Williams (1975)	59
Brunsdon <i>v.</i> Humphrey (1884)	438
Brunswick (Duke) <i>v.</i> Harmer (1849)	450
Bryanston Finance Co., Ltd. <i>v.</i> de Vries (1975)	329, 476
Bryanston Leasings, Ltd. <i>v.</i> Principality Finance, Ltd. (1977)	45, 51
Bryant <i>v.</i> Wardell (1848)	31
Bryce <i>v.</i> Rusden (1886)	341
Buck <i>v.</i> English Electric Co., Ltd. (1978)	451
Buckland <i>v.</i> Guildford Gas Light and Coke Co. (1949)	97, 191
Buckland <i>v.</i> Johnson (1854)	448
Buckley and Toronto Transportations Commission <i>v.</i> Smith Transport, Ltd. (1946)	468
Budden <i>v.</i> B.P. Oil, Ltd. (1980)	108, 121
Building and Civil Engineering Holiday Scheme Management, Ltd. <i>v.</i> Post Office (1966)	459
Bull <i>v.</i> Bull (1955)	62, 64
Bulmer (H. P.), Ltd. and Showerings, Ltd. <i>v.</i> J. Bollinger, S.A. (1978)	384
Bunker <i>v.</i> Charles Brand & Son, Ltd. (1969)	181, 182
Bunyan <i>v.</i> Jordan (1937)	23
Burgess <i>v.</i> Burgess (1853)	378
Burgess <i>v.</i> Florence Nightingale Hospital for Gentlewomen (1955)	217, 218
Burmah Oil Co., Ltd. <i>v.</i> Lord Advocate (1965)	75, 88
Burmah Trading Co. <i>v.</i> Mirza Mo- hammed (1875)	49
Burn <i>v.</i> Morris (1843)	447
Burnard <i>v.</i> Haggis (1863)	468

	PAGE
Burnett <i>v.</i> British Waterways Board (1973)	159
Burns <i>v.</i> Edman (1970)	90, 217
Burnside <i>v.</i> Emerson (1968)	460
Buron <i>v.</i> Denman (1848)	88
Burroughes <i>v.</i> Bayne (1860)	53
Burrows <i>v.</i> March Gas and Coke Co. (1872)	142
Burt <i>v.</i> Moore (1793)	77
Burton <i>v.</i> Davies (1953)	24
Burton <i>v.</i> Hughes (1824)	37
Bush <i>v.</i> Smith (1953)	58
Bushel <i>v.</i> Miller (1718)	29, 38
Butler <i>v.</i> Standard Telephones and Cables, Ltd. (1940)	247
Butterfield <i>v.</i> Forrester (1809)	144, 252
Bux <i>v.</i> Slough Metals, Ltd. (1974)	121
Byrne <i>v.</i> Boadle (1863)	126
Byrne <i>v.</i> Deane (1937)	303, 304, 316
Byron (Lord) <i>v.</i> Johnston (1816)	378
Bywell Castle, The (1879)	150

C

Cadbury Schweppes Pty., Ltd. <i>v.</i> Pub Squash Co. Pty., Ltd. (1981)	381, 384
Cakebread <i>v.</i> Hopping Brothers (Whet- stone), Ltd. (1947)	90, 289
Caledonian Ry. Co. <i>v.</i> Mulholland (1898)	171
Caledonian Ry. Co. <i>v.</i> Walkers Trustees (1882)	256
Callis <i>v.</i> Gunn (1964)	19
Caltex Oil (Australia) Pty., Ltd. <i>v.</i> The Dredge 'Willemstad' (1976)	102
Calvet <i>v.</i> Tomkies (1963)	375
Cambridge University Press <i>v.</i> Univer- sity Tutorial Press (1928)	386
Camden Nominees, Ltd. <i>v.</i> Forcey (1940)	356
Caminer <i>v.</i> Northern and London In- vestment Trust, Ltd. (1951)	112, 116, 173
Cammellia Tanker, Ltd. <i>v.</i> International Transport Workers Federation (1976)	352
Campbell <i>v.</i> Paddington Corporation (1911)	257, 435, 462
Campbell <i>v.</i> Spottiswode (1863)	339
Campbell <i>v.</i> Thompson (1953)	464
Canadian Pacific Ry. Co. <i>v.</i> Lockhart (1942)	429
Canadian Pacific Wine Co. <i>v.</i> Tuley (1921)	56
Canadian Shredded Wheat Co., Ltd. <i>v.</i> Kellogg Co. of Canada, Ltd. (1938)	379
Candler <i>v.</i> Crane, Christmas & Co. (1951)	96, 202
Capital and Counties Bank <i>v.</i> Henty (1882)	303, 306
Carlsholm (Owners) <i>v.</i> Owners of the Calliope, The Calliope (1970)	143

	PAGE		PAGE
Carmarthenshire County Council <i>v.</i>		Chatterton <i>v.</i> Gerson (1981)	68
Lewis	97, 119	Chatterton <i>v.</i> Secretary of State for India	
Carmen <i>v.</i> Fox Film Corporation		(1895)	321
(1923)	359	Cheater <i>v.</i> Cater (1918)	174
Carrat <i>v.</i> Morley (1841)	86	Cherneskey <i>v.</i> Armadale Publishers	
Carrett <i>v.</i> Smallpage (1808)	408	(1979)	339
Carstairs <i>v.</i> Taylor (1871)	269, 270	Cherry, Ltd. <i>v.</i> Allied Insurance Brokers,	
Cartledge <i>v.</i> E. Jopling & Sons, Ltd.		Ltd. (1978)	203
(1963)	451	Chettle <i>v.</i> Denton (1951)	189
Case of. <i>See</i> under name of.		Chic Fashions (West Wales), Ltd. <i>v.</i>	
Casey <i>v.</i> Automobile Renault Canada,		Jones (1968)	56, 86
Ltd. (1966)	401	Childs <i>v.</i> Lewis (1924)	27
Cassell & Co., Ltd. <i>v.</i> Broome (1972):	320,	Chinery <i>v.</i> Viall (1860)	33, 47
342, 392, 434, 435, 436		Ching <i>v.</i> Surrey County Council (1910)	284
Cassidy <i>v.</i> Daily Mirror Newspapers,		Chinn <i>v.</i> Morris (1826)	24
Ltd. (1929)	306, 307, 310, 312	Chipchase <i>v.</i> British Titan Products Co.,	
Cassidy <i>v.</i> Ministry of Health (1951):	126,	Ltd. (1956)	280
127, 190, 416, 417, 423, 425, 426		Chomley <i>v.</i> Watson (1907)	312
Castle <i>v.</i> St. Augustine's Links, Ltd.		Christie <i>v.</i> Davey (1893)	239, 261
(1922)	236, 256	Christie <i>v.</i> Leachinsky (1947)	83, 84
Caswell <i>v.</i> Powell Duffryn Associated		Christmas <i>v.</i> General Cleaning Contrac-	
Collieries, Ltd. (1940)	145, 280, 289	tors, Ltd. (1952)	158, 180
Cattle <i>v.</i> Stockton Waterworks Co.		Christopherson <i>v.</i> Bare (1848)	19
(1875)	102, 267, 268, 355	Chubbs Cash, Ltd. <i>v.</i> John Crilley & Son	
Cavalier <i>v.</i> Pope (1906)	195	(1983)	46
Cavanagh <i>v.</i> London Transport Execu-		Churchill <i>v.</i> Siggers (1854)	403
tive (1956)	140, 152, 479	Citizens' Life Assurance Co. <i>v.</i> Brown	
Cavanagh <i>v.</i> Ulster Weaving Co., Ltd.		(1904)	330
(1960)	120	City Motors (1933) Properties, Ltd. <i>v.</i>	
Cavey <i>v.</i> Ledbitter (1863)	238	Southern Aerial Service (1961)	31
Cawdor (Lord) <i>v.</i> Lewis (1835)	65	City of Lincoln, The (1889)	140
Caxton Publishing Co., Ltd. <i>v.</i> Suther-		Clark <i>v.</i> Freeman (1848)	385
land Publishing Co. (1939):	37, 45, 47, 48,	Clark <i>v.</i> Molyneux (1877)	326
448		Clarke <i>v.</i> Army and Navy Co-operative	
Cayzer, Irvine & Co. <i>v.</i> Carran Co.		Society (1903)	162, 171
(1884)	120	Clarke <i>v.</i> Brims (1947)	279, 282, 283
Cellacite and British Uralite, Ltd. <i>v.</i>		Clarke <i>v.</i> Dickson (1858)	447
H. H. Robertson & Co., Ltd. (1957):	373	Clarke <i>v.</i> Holmes (1862)	116
Cellular Clothing Co. <i>v.</i> Maxton and		Clarke <i>v.</i> Taylor (1836)	319
Murray (1899)	379	Clarkson <i>v.</i> Lawson (1830)	320
Century Insurance Co., Ltd. <i>v.</i> Northern		Clay <i>v.</i> Pooler (1982)	206, 214
Ireland Road Transport Board		Clay <i>v.</i> A. J. Crump & Sons, Ltd.	
(1942)	427	(1964)	166, 167, 193
Chadwick <i>v.</i> British Transport Commis-		Clayards <i>v.</i> Dethick and Davis (1848):	151,
sion (1967)	104, 107	159	
Chamberlain <i>v.</i> Boyd (1883)	301	Clayton <i>v.</i> Woodman & Son (Builders),	
Chamberlain <i>v.</i> Greenfield (1772)	435	Ltd. (1962)	201
Chant <i>v.</i> Read (1939)	438	Cleary <i>v.</i> Booth (1893)	79
Chao <i>v.</i> British Traders and Shippers,		Clegg <i>v.</i> Dearden (1848)	59
Ltd. <i>See</i> Kwei Tek Chao <i>v.</i> British		Cleghorn <i>v.</i> Oldham (1927)	158
Traders and Shippers, Ltd.		Clement <i>v.</i> Milner (1800)	77
Chapman <i>v.</i> Ellesmere (1932):	317, 331, 332	Clifford <i>v.</i> Charles H. Challen & Son,	
Chapman <i>v.</i> Essex County Council		Ltd. (1951)	199
(1956)	279	Clippens Oil Co., Ltd. <i>v.</i> Edinburgh and	
Chapman <i>v.</i> Honig (1963)	365	District Water Trustees (1907)	138
Chapronière <i>v.</i> Mason (1905)	170	Clissold <i>v.</i> Cratchley (1910)	407
Charing Cross Electricity Supply Co. <i>v.</i>		Close <i>v.</i> Steel Co. of Wales (1962)	285
Hydraulic Power Co. (1914)	237, 266	Clubb <i>v.</i> Wimpey & Co., Ltd (1936)	27
Charlton <i>v.</i> Forrest Printing Ink Co.,		Clutterbuck <i>v.</i> Chaffers (1816)	316
Ltd. (1980)	199	Clydesdale Bank <i>v.</i> Paton (1896)	395
Charrington <i>v.</i> Simons & Co., Ltd.		Coats Patons (Retail) Ltd. <i>v.</i> Birming-	
(1971)	444	ham Corporation (1971)	203

	PAGE		PAGE
Cobbett v. Grey (1850)	24	Cornman v. Eastern Counties Ry. Co. (1859)	119
Cockcroft v. Smith (1705)	70	Cory Lighterage, Ltd. v. Transport and General Workers Union (1973)	369
Codd v. Cabe (1876)	70	Couch v. Steel (1854)	277, 284
Codrington v. Lloyd (1828)	86	County Hotel and Wine Co. v. London and North Western Ry. Co. (1918)	440
Coggs v. Bernard (1703)	118	Coupey v. Henley (1797)	71
Cohen v. Daily Telegraph, Ltd. (1968)	337	Coupland v. Eagle Brothers, Ltd. (1969)	181
Cohen v. Morgan (1825)	401	Covell v. Laming (1808)	20, 52, 58
Cole v. De Trafford (No. 2) (1918)	129	Coward v. Baddeley (1859)	18
Cole v. Turner (1704)	19	Coward v. Wellington (1836)	300
Colfar v. Coggins and Griffith (Liverpool), Ltd. (1945)	198	Cowell v. Rosehill Race Course Co., Ltd. (1937)	69
Colley v. Hart (1890)	372	Cox v. Glue (1848)	60
Collingwood v. Home and Colonial Stores, Ltd. (1936)	265, 267	Coxhead v. Richards (1846)	335
Collins v. Hertfordshire County Council (1947)	190, 417, 423	Craig v. Frost (1936)	80
Collins v. Renison (1754)	72, 77	Cranbancks Case (1618)	258
Colonial Mutual Life Assurance Society v. Producers, etc., Assurance Co. of Australia (1930)	392, 419	Creed v. John McGeoch & Sons, Ltd. (1955)	188, 189, 191, 256
Colvilles, Ltd. v. Devine (1969)	130	Cresswell v. Sirl (1948)	73
Colwill v. Reeves (1811)	54	Crest Homes, Ltd. v. Ascott (1975)	343
Compania Colombia de Seguros v. Pacific Steam Navigation Co. (1965)	473	Crofter Hand Woven Harris Tweed Co., Ltd. v. Veitch (1942): 360, 361, 362, 363, 364, 365, 367	207, 209
Components Tube Co. v. Naylor (1900)	388	Croke v. Wiseman (1981)	137
Conn v. David Spencer, Ltd. (1930)	24	Crossley v. Rawlinson (1981)	370
Connolly v. Camden and Islington Area Health Authority (1981)	207	Crouch v. Great Northern Ry. Co. (1856)	370
Consolidated Co. v. Curtis & Sons (1892)	37, 42	Crowhurst v. Amersham Burial Board (1878)	245, 262, 263
Constantine v. Imperial Hotels, Ltd. (1944)	370, 433	Cruise v. Terrell (1922)	62
Conway v. George Wimpey & Co., Ltd. (1951)	190	Crump v. Lambert (1867)	234
Conway v. Rimmer (1968)	322	Culford Metal Industries Ltd. v. Export Credit Guarantee Department (1981)	203
Conway v. Wade (1909)	358	Culkin v. McFie & Sons, Ltd. (1939)	114
Cook v. Alexander (1974)	331	Cummings v. Grainger (1975)	275
Cook v. Beal (1697)	70	Cummings (or McWilliams) v. Sir William Arrol & Co., Ltd. (1962): 142, 288	173, 174, 245
Cook v. Broderip (1968)	181, 197	Cunard v. Antifyre, Ltd. (1933): 173, 174, 245	350, 362
Cook v. Cox (1814)	296	Cunard S.S. Co., Ltd. v. Stacey (1955)	208, 209, 210, 400
Cook v. J. L. Kier & Co., Ltd. (1970)	211	Cunningham v. Harrison (1973)	279, 282
Cook v. Lewis (1952)	128, 476	Cunningham-Howie v. F. W. Dimbleby & Sons, Ltd. (1951)	338
Cook v. Ward (1830)	317	Cushing v. Peter Walker & Son (1941)	250
Cooke v. Forbes (1867)	255	Cutler v. McPhail (1962)	477
Cooke v. Midland Great Western Ry. of Ireland (1909)	176, 179	Cutler v. United Dairies (London), Ltd. (1933)	158
Cookroft v. Smith (1705)	70	Cutler v. Vauxhall Motors, Ltd. (1971): 210	
Cookson v. Harewood (1932)	317	Cutler v. Wandsworth Stadium, Ltd. (1949)	279, 282
Cookson v. Knowles (1979)	206, 207		
Cooney v. Edeveain (1897)	337		
Cooper v. Crabtree (1882)	62		
Cooper v. Lawson (1838)	319		
Cooper v. Railway Executive (Southern Region) (1953)	287, 290		
Cooper v. Willomatt (1845)	31		
Coote v. Stone (1971)	282		
Cope v. Sharpe (No. 2) (1912)	74, 75		
Corbett v. Burge, Warren and Ridgley, Ltd. (1932)	407		

D

D. and L. Caterers, Ltd. and Jackson v. D'ajou (1945)	299, 305
D.D.S.A. Pharmaceuticals, Ltd. v. Times Newspapers, Ltd. (1973)	308

	PAGE		PAGE
Daborn <i>v.</i> Bath Tramways Motor Co., Ltd. (1946)	109, 110	Defries <i>v.</i> Milne (1913)	472
Daily Mirror Newspapers, Ltd. <i>v.</i> Gardner (1968)	349, 352	De Jetley Marks <i>v.</i> Lord Greenwood (1936)	349
Dakhyl <i>v.</i> Labouchere (1908)	307	De Keyser's Royal Hotel, Ltd. <i>v.</i> Spicer Brothers, Ltd. and Minter (1914)	241
Dale <i>v.</i> Wood (1822)	70	Delaney <i>v.</i> T. P. Smith, Ltd. (1946)	63
Daley <i>v.</i> Gypsy Caravan Pty., Ltd. (1966)	170	Demer <i>v.</i> Cook (1903)	85
Dallison <i>v.</i> Caffery (1965)	84	De Meza and Stuart <i>v.</i> Apple, van Straton, Shena and Stone (1974)	440
Dalton <i>v.</i> Angus (1881)	421, 424	Denaby and Cadeby Main Collieries, Ltd. <i>v.</i> Yorkshire Miners' Association (1906)	350
Daly <i>v.</i> General Steam Navigation Co., Ltd. (1980)	209, 400	Dennis <i>v.</i> Charnwood Borough Council (1982)	194
Daly <i>v.</i> Liverpool Corporation (1939)	114	Denny <i>v.</i> Supplies and Transport Co., Ltd. (1950)	166, 170
Danby <i>v.</i> Beardsley (1880)	401	Derrick <i>v.</i> Williams (1939)	438
Daniels <i>v.</i> Jones (1961)	219	Derry <i>v.</i> Handley (1867)	302
Daniels and Daniels <i>v.</i> White & Sons, Ltd. and Tarbard (1938)	170	Derry <i>v.</i> Peek (1889)	202, 389
Danish Mercantile Co., Ltd. <i>v.</i> Beaumont (1950)	372	Devereux <i>v.</i> Barclay (1819)	43
Dann <i>v.</i> Hamilton (1939)	154, 157	Devonshire <i>v.</i> Jenkins (1979)	65
Darassa, The (1971)	137	Dewar <i>v.</i> City and Suburban Racecourse Co. (1899)	239
Darley Main Colliery Co. <i>v.</i> Mitchell (1886)	440	Dewey <i>v.</i> White (1827)	75
Davey <i>v.</i> Harrow Corporation (1958): 248, 252, 263, 432		Deyong <i>v.</i> Shenburn (1946)	98
Davie <i>v.</i> New Merton Board Mills, Ltd. (1959)	197, 423	Dibble (H. E.), Ltd. <i>v.</i> Moore (1970)	45
Davies <i>v.</i> Davies (1975)	200	Dibdin <i>v.</i> Swan (1793)	337
Davies <i>v.</i> Mann (1842)	145, 147, 148, 149	Dickinson <i>v.</i> Burrell (1866)	472
Davies <i>v.</i> Powell Duffryn Associated Collieries, Ltd. (1942)	218	Dicks <i>v.</i> Brooks (1880)	371
Davies <i>v.</i> Solomon (1871)	300, 435	Dietz <i>v.</i> Lennig Chemicals, Ltd. (1969)	218
Davies <i>v.</i> Swan Motor Co. (Swansea), Ltd. (1949)	147, 148, 152	Dingle <i>v.</i> Associated Newspapers, Ltd. (1961)	341, 476
Davies <i>v.</i> Taylor (1974)	216	Dixon <i>v.</i> Bell (1816)	161, 164
Davies <i>v.</i> Tenby Corporation (1974)	400	Dixon <i>v.</i> Cementation Co., Ltd. (1960): 199	
Davis <i>v.</i> Billing (1891)	320	Dixon <i>v.</i> Smith (1860)	342
Davis <i>v.</i> Bunn (1936)	129	Dobell <i>v.</i> Stevens (1825)	392
Davis <i>v.</i> Capper (1829)	407	Dod <i>v.</i> Monger (1704)	56
Davis <i>v.</i> Carew-Pole (1956)	445	Dodd Properties (Kent), Ltd. <i>v.</i> Canterbury City Council (1980)	212, 436
Davis <i>v.</i> Foots (1940)	195	Dodds <i>v.</i> Dodds (1978)	215, 218
Davis <i>v.</i> Oswell (1837)	49	Dodwell <i>v.</i> Burford (1670)	20
Davis <i>v.</i> Russell (1829)	83	Dolbey <i>v.</i> Goodwin (1955)	218
Davis <i>v.</i> St. Mary's Demolition and Excavation Co., Ltd. (1954)	191	Dolby <i>v.</i> Newnes (1887)	303, 304
Davison <i>v.</i> Leggett (1969)	128	Doltis (J.), Ltd. <i>v.</i> Isaac Braithwaite & Sons (Engineers), Ltd. (1957)	265, 266
Dawkins <i>v.</i> Lord Rokeby (1873)	322, 323	Dominion Natural Gas Co., Ltd. <i>v.</i> Collins and Perkins (1909)	164, 165
Dawkins <i>v.</i> Paulet (1869)	322	Donaghey <i>v.</i> Boulton and Paul, Ltd. (1968)	134, 285
Dawrant <i>v.</i> Nutt (1960)	151	Donald <i>v.</i> Suckling (1866)	33, 39
Dawson <i>v.</i> Great Northern Ry. Co. (1905)	472	Donaldson <i>v.</i> McNiven (1952): 108, 119, 165, 469	
Day <i>v.</i> Bream (1837)	309	Donnelly <i>v.</i> Jackman (1970)	19, 84
Dean <i>v.</i> Hogg (1834)	71	Donnelly <i>v.</i> Joyce (1974)	209, 399
Deane <i>v.</i> Clayton (1817)	22, 72	Donoghue (or M'Alister) <i>v.</i> Stevenson (1932): 95, 96, 97, 163, 164, 165, 167, 168, 169, 170, 171, 191, 192, 202, 204, 205	
De Beers Abrasive Products Ltd. <i>v.</i> International General Electric Co. of New York, Ltd. (1975)	373	Donovan <i>v.</i> Union Cartage Co., Ltd. (1933)	118
De Buse <i>v.</i> McCarthy (1942)	329	Dooley <i>v.</i> Cammell Laird & Co., Ltd. and Mersey Insulation Co., Ltd. (1951)	479
Deerness <i>v.</i> John R. Keeble & Son (Brantham), Ltd. (1982)	449		
De Francesco <i>v.</i> Barnum (1890)	353		
De Freville <i>v.</i> Dill (1927)	25, 201		

	PAGE
Dougal v. McCarthy (1893)	60
Doughty v. Turner Manufacturing Co., Ltd. (1964)	136
Douglas Valley Finance Co., Ltd. v. S. Hughes (Hirers), Ltd. (1969)	37
Dowling v. Time, Inc. (1954)	339
Doyle v. Olby (Ironmongers), Ltd. (1969)	392
Drane v. Evangelou (1978)	58, 65, 436
Dransfield v. British Insulated Cables, Ltd. (1937)	167
Draper v. Hodder (1972)	136, 201
Draper v. Trist (1939)	384, 385
Drinkwater v. Kimber (1952)	152, 474
Driver v. William Willett (Contractors), Ltd. (1969)	168, 193
Drummond v. British Building Cleaners, Ltd. (1954)	197, 200
Drummond-Jackson v. British Medical Association (1970)	305
Dublin, Wicklow and Wexford Ry. Co. v. Slattery (1878)	123
Duck v. Mayeu (1892)	477
Duckworth v. Johnson (1859)	216
Dulieu v. White & Sons (1901)	103
Dumbell v. Roberts (1944)	19
Dunlop v. Woollahra Municipal Council (1982)	366, 409
Dunlop Pneumatic Tyre Co., Ltd. v. Maison Talbot (1904)	375
Dunlop Rubber Co. v. Dunlop (1921)	303
Dunn v. Birmingham Canal Co. (1872):	269
Dunn v. Large (1783)	64
Dunne v. North-western Gas Board (1964)	264, 268
Dunster v. Abbott (1953)	190
Dunton v. Dover District Council (1978)	444
Dunwich Corporation v. Sterry (1831)	55
D'Urso v. Sansom (1939)	140, 158
Dutton v. Bognor Regis Urban District Council (1972): 166, 168, 192, 193, 194 , 201	
Dyer v. Munday (1895)	89
Dymond v. Pearce (1972)	258

E

E.M.I. Records, Ltd. v. Riley (1981)	465
Eason v. Newman (1596)	43
Easson v. London and North Eastern Ry. Co. (1944)	112, 127 , 128, 130
East v. Chapman (1827)	341
East Suffolk Rivers Catchment Board v. Kent (1941)	106
Eastern and Southern African Telegraph Co. v. Cape Town Tramways Cos. (1902)	270
Eddis v. Chichester Constable (1969): 52, 454	
Edelsten v. Edelsten (1863)	385
Edge (William) & Sons, Ltd. v. William Nicolls & Sons, Ltd. (1911)	380, 384
Edginton v. Fizmaurice (1885)	391

	PAGE
Edmonds v. Armstrong Funeral Home, Ltd. (1931)	408
Edmondson v. Birch & Co., Ltd., and Horner (1907)	329
Edmondson v. Nuttall (1864)	47
Edward Young & Co., Ltd. v. Holt. See Young (Edward) & Co., Ltd. v. Holt.	
Edwards v. Bell (1824)	319
Edwards v. Mallan (1908)	441
Edwards v. Railway Executive (1952)	176
Egerton v. Home Office (1978)	456
Egger v. Chelmsford (1965)	330, 340
Eglantine Inn, Ltd. v. Smith (1948)	315
Elborow v. Allen (1622)	375
Electrical, Electronic, Telecommunication and Plumbing Union v. Times Newspapers, Ltd. (1980)	305, 463
Electrochrome, Ltd. v. Welsh Plastics, Ltd. (1968)	101
Eley v. Bedford (1972)	209
Elias v. Pasmore (1934)	56
Eliot's Case (1629)	87
Ellen v. Great Northern Ry. Co. (1901)	449
Elliotson v. Feetham (1835)	252
Elliott v. Boynton (1924)	64
Ellis v. John Stenning & Son (1932)	50
Ellis v. Sheffield Gas Consumers Co. (1853)	420
Ellor v. Selfridge & Co., Ltd. (1930)	126
Elvin and Powell, Ltd. v. Plummer Roddis, Ltd. (1933)	43
Elwes v. Brigg Gas Co. (1886)	34
Emanuel (H. and N.), Ltd. v. Greater London Council (1971)	272
Embrey v. Owen (1851)	433
Emerald Construction Co. v. Lowthian (1966)	350, 354, 355
Emerson v. Grimsby Times and Telegraph Co., Ltd. 1926	303, 305
Emmens v. Pottle (1885)	309
England v. Cowley (1873)	45
England v. National Coal Board (1953)	432
Erven Warnink B.V. v. J. Townend & Sons (Hull), Ltd. (1979): 377, 382, 383 , 385	
Esso Petroleum Co., Ltd. v. Kingswood Motors (Addlestone), Ltd. (1974)	359
Esso Petroleum Co., Ltd. v. Mardon (1975)	203, 205
Esso Petroleum Co., Ltd. v. Southport Corporation (1956)	13
Eurymedon, The (1938)	145
Evans v. Harlow (1884)	305, 372
Evans v. London Hospital Medical College (1981)	401, 407
Evans v. Triplex Safety Glass Co., Ltd. (1936)	170
Everett v. Griffiths (1921)	87
Everett v. Ribbands (1952)	403
Excelsior Wire Rope Co., Ltd. v. Callan (1930)	187, 190

	PAGE		PAGE
Exchange Telegraph Co. v. Gregory & Co. (1886)	354, 355	Foxcroft v. Lacy (1613)	313
Express Newspapers, Ltd. v. McShane (1980)	358	France v. Gaudet (1871)	50
F		France v. Parkinson (1954)	128, 151
Fagan v. Metropolitan Police Commissioner (1969)	19	Francis v. Cockrell (1870)	183
Fairclough v. Whipp (1951)	22	Francis Day and Hunter, Ltd. v. Twentieth Century Fox Corporation, Ltd. (1939)	378
Fairline Shipping Corporation v. Adamson (1975)	431, 461	Fraser v. Balfour (1918)	88
Fardon v. Harcourt-Rivington (1932)	200	Fraser v. Berkeley (1836)	70
Farmer v. Hyde (1937)	325	Fraser v. Evans (1969)	410
Farr v. Butters Brothers & Co. (1932)	170	Fray v. Blackburn (1863)	87
Farrant v. — (1822)	39	Fred Wilkins & Brothers, Ltd. v. Weaver. See Wilkins (Fred) & Brothers, Ltd. v. Weaver.	
Farrant v. Thompson (1822)	31	Freeman v. Blewitt (1701)	56
Farrer v. Nelson (1885)	243, 249	Freeman v. Rosher (1849)	421
Fawcett v. Smethurst (1914)	468	Fritz v. Hobson (1880)	254, 257
Fay v. Prentice (1845)	232, 241	Froom v. Butcher (1975)	150, 153, 437
Fennings v. Grenville (1808)	46	Fullam v. Newcastle Chronicle and Journal, Ltd. (1977)	308
Ferguson v. Earl Kinnoull (1842)	286	Furniss v. Cambridge Daily News, Ltd. (1907)	331
Fielding v. Variety Inc. (1967)	375	G	
Filliter v. Phippard (1847)	253	G.W.K. Co., Ltd. v. Duniop Rubber Co., Ltd. (1926)	353, 359
Findlay v. Blaylock (1937)	349	Galashiels Gas Co., Ltd. v. Millar (1949)	287
Fine Art Society, Ltd. v. Union Bank of London, Ltd. (1886)	39, 41	Gallagher v. Humphrey (1862)	189
Firman v. Ellis (1978)	452	Gallagher v. N. McDowell, Ltd. (1961)	191
Firth v. Bowling Iron Co. (1878)	262	Gammell v. Wilson (1982)	213
Fish v. Kapur (1948)	126	Gandy v. Jubber (1865)	250
Fisher v. C.H.T., Ltd. (1966)	175	Gardiner v. Moore (1969)	474, 477
Fisher v. Harrods, Ltd. (1966)	166	Garfinkel v. Metropolitan Police (1971)	86
Fisher v. Prince (1762)	50	Garner v. Morrall (1953)	126
Fisher v. Ruislip-Northwood Urban District Council and Middlesex County Council (1945)	281	Garnham, Harris and Elton v. Alfred W. Ellis (Transport), Ltd. (1967)	43
Fitter v. Veal (1701)	438	Garrett v. Taylor (1620)	369
Fitzgerald v. Northcote (1865)	79	Gaunt v. Fynney (1872)	233, 243
Fleming v. Dollar (1889)	320	Gayler and Pope, Ltd. v. B. Davies & Son, Ltd. (1924)	16
Fleming v. Newton (1848)	334	Geddis v. Bann Reservoir Proprietors (1878)	86
Flint v. Lovell (1935)	437	Gee v. Metropolitan Ry. Co. (1873)	127
Flowers v. George Wimpey & Co., Ltd. (1956)	209	Gee v. Pritchard (1818)	410, 445
Flying Fish, The (1865)	436	General Cleaning Contractors, Ltd. v. Christmas (1953)	158, 197, 200
Fogg v. McKnight (1968)	14	General Electric Co. and British Thomson-Houston Co. v. Pryce's Stores (1933)	381
Fookes v. Slaytor (1979)	144	George v. Pinnock (1973)	208
Forbes v. Eden (1867)	408	George v. Skivington (1869)	162
Forbes v. Kemsley Newspapers, Ltd. (1951)	379	Germanic, The (1904)	114
Ford v. Ford (1887)	67	Gerrard v. Crowe (1921)	74
Ford v. Foster (No. 1) (1872)	379, 385	Gerrard v. Dickenson (1590)	371
Forde v. Skinner (1830)	19	Ghani v. Jones (1970)	84, 86
Forrester v. Tyrrell (1893)	297	Gibbins v. O'Dea & Co., Ltd. (1948-9)	304
Forsdick v. Collins (1816)	38	Gibbons v. Duffell (1932)	322
Forsdike v. Stone (1868)	341	Gibbons v. Pepper (1695)	19
Forster v. Outred & Co (1982)	441		
Fosbroke-Hobbes v. Airwork, Ltd. and British-American Air Services, Ltd. (1937)	126		
Fouldes v. Willoughby (1841)	29, 37, 38, 52		
Fowler v. Hollins (1872)	37		
Fowler v. Lanning (1959)	17, 67		

	PAGE		PAGE
Gibbs v. Cruikshank (1873)	78, 439	Grainger v. Hill (1838)	24, 38, 406
Gibbs v. Pike (1842)	406	Granada Group, Ltd. v. Ford Motor Co., Ltd. (1973)	382
Giblan v. National Amalgamated Labourers Union of Great Britain and Ireland (1903)	363	Granby (Marquis) v. Bakewell Urban District Council (1923)	254
Gilbin v. McMullen (1869)	118	Grand Hotel Co. of Caledonian Springs v. Wilson (1904)	384
Gilding v. Eyre (1861)	403	Grant v. Australian Knitting Mills, Ltd. (1936)	94, 166, 167, 169, 425
Giles v. Walker (1890)	241, 263	Grant v. National Coal Board (1956)	285
Gillard v. Britton (1841)	47	Grant v. Sun Shipping Co., Ltd. (1948):	114, 119, 142, 149
Gillette Safety Razor Co. and Gillette Safety Razor, Ltd. v. Franks (1924)	381	Grappelli v. Derek Block Holdings, Ltd. (1981)	308
Gillmore v. London County Council (1938)	157, 183	Gray v. Jones (1939)	299
Gilson v. Kerrier Rural District Council (1976)	269	Great Lakes S.S. Co. v. Maple Leaf Milling Co. (1924)	139
Ginty v. Belmont Building Supplies, Ltd. (1959)	289	Great Orme Tramways Co., Re (1934):	471
Glamorgan Coal Co. v. South Wales Miners' Federation (1903)	355	Grech v. Odhams Press, Ltd. (1958)	337
Glasgow Corporation v. Muir (1943): 107, 108, 114, 119, 136, 177		Green v. All Motors, Ltd. (1917)	42
Glasgow Corporation v. Taylor (1922): 118, 179		Green v. Barrtram (1830)	72
Gledhill v. Liverpool Abattoir Utility Co., Ltd. (1957)	170	Green v. Button (1835)	356, 371
Gledhill (G. H.) & Sons, Ltd. v. British Perforated Toilet Paper Co. (1911)	379	Green v. Chelsea Waterworks Co. (1894)	268
Glegg v. Bromley (1912)	473	Green v. De Havilland (1965)	405
Glenwood Lumber Co., Ltd. v. Phillips (1904)	35	Green v. Goddard (1702)	72
Gliniski v. McIver (1962)	404	Greene v. Chelsea Borough Council (1954)	175
Glossop v. Heston and Isleworth Local Board (1879)	248	Greenhalgh v. British Railways Board (1969)	176, 179
Gloucester Grammar School Case (1410)	347	Greenhalgh v. Mallard (1947)	361
Glover v. London and South Western Ry. Co. (1867)	20	Greening v. Wilkinson (1825)	48
Glyn Mills & Co. v. East and West India Dock Co. (1880)	42	Greenock Corporation v. Caledonian Ry. Co. (1917)	271
Goffin v. Donnelly (1881)	323	Greenway v. Fisher (1824)	42
Goh Choon Seng v. Lee Kim Soo (1925)	426	Greenwood v. Bennett (1973)	48
Gold v. Essex County Council (1942): 417, 423		Greer v. Faulkner (1908)	49
Goldman v. Hargrave	110, 174, 248, 253	Greers, Ltd. v. Pearman and Corder, Ltd. (1922)	371, 374
Goldrei, Foucard & Son v. Sinclair and Russian Chamber of Commerce in London (1918)	392	Gregory v. Duke of Brunswick (1844)	362
Goldsmith v. Sperrings, Ltd. (1977)	315	Gregory v. Ford (1951)	278
Goldsohl v. Goldman (1914)	355	Gregory v. Kelly (1978)	150
Goodburne v. Bowman (1833)	320	Gregory v. Piper (1829)	58
Gordon v. Harper (1796)	31, 55	Greig v. Insole (1978)	350, 352, 354
Gordon v. London, City and Midland Bank (1902)	41	Grein v. Imperial Airways, Ltd. (1937)	215
Gorris v. Scott (1874)	285	Greyvensteyn v. Hattings (1911)	74
Gosden v. Elphick (1849)	27	Griffiths v. Liverpool Corporation (1967)	460
Goslin v. Corry (1844)	341	Grill v. General Iron Screw Collier Co., Ltd. (1866)	118
Gough v. National Coal Board (1954): 176, 179, 189		Grinham v. Willey (1859)	27
Gough v. Thorne (1966)	114, 149	Grinsted v. Hadrill (1953)	122
Graham v. Peat (1801)	63	Groom v. Crocker (1939)	305, 326
Graham v. Saville (1945)	68, 392	Gros v. Crook (1969)	340, 419
		Gross v. Lewis Hillman, Ltd. (1970): 388, 389, 390	
		Grosvenor Hotel Co. v. Hamilton (1894)	254
		Grote v. Chester and Holyhead Ry. Co. (1848)	422
		Groves v. Lord Wimborne (1898)	277
		Guay v. Sun Publishing Co. (1953)	374

	PAGE		PAGE
Guest v. Warren (1854)	438, 439	Harris v. Warren and Phillips (1918)	381
Gunter v. Astor (1819)	359	Harrison v. British Railways Board	
Guske v. Cooke (1982)	324	(1981)	107, 152
H			
H.L. Motorworks (Willesden), Ltd. v.		Harrison v. Bush (1856)	334
Alwahbi (1977)	212	Harrison v. Duke of Rutland (1893) . .	61
Hadley v. Baxendale (1854)	359	Harrison v. National Coal Board	
Hadmor Productions, Ltd. v. Hamilton		(1951)	121, 281, 288, 432
(1982)	357, 358, 360	Harrison v. Southwark and Vauxhall	
Hale v. Hants and Dorset Motor Ser-		Water Co. (1891)	239, 242
vices, Ltd. (1947)	142	Harrods, Ltd. v. R. Harrod, Ltd.	
Hale v. Jennings Brothers (1938): 262, 266,		(1923)	382
267, 270		Harrod v. Watney (1898)	256
Haley v. London Electricity Board		Harrop v. Hirst (1868)	232
(1965)	118	Hartley v. British Railways Board	
Hall v. Beckenham Corporation (1949):	246	(1981)	177
Hall v. Booth (1834)	84	Hartley v. Mayoh & Co. (1954)	142
Hall v. Brooklands Auto Racing Club		Hartley v. Moxham (1842)	52
(1933)	119	Hartwell v. Grayson Rollo and Clover	
Hall v. Wilson (1939)	219	Docks, Ltd. (1947)	175
Hall & Co., Ltd. v. Pearlberg (1956) . .	434	Harvey v. R. G. O'Dell, Ltd. (1958): 479, 480	
Hall (J. and E.), Ltd. v. Barclay (1937):	47	Harvey v. Road Haulage Executive	
Halley, The (1868)	416	(1952)	147
Halliday v. Holgate (1868)	33	Haseldine v. Daw & Son, Ltd. (1941): 95, 96,	
Halsey v. Brotherhood (1881)	374	116, 166, 167, 182	
Halsey v. Esso Petroleum Co., Ltd.		Hatchard v. Mège (1887)	376
(1961)	234, 245, 256, 262, 268	Havana Cigar and Tobacco Factories,	
Hambrook v. Stokes Brothers (1925) . .	103	Ltd. v. Oddenino (1924)	379
Hamilton v. Anderson (1858)	323	Hawkins v. Coulsdon and Purley Urban	
Hamlyn v. John Houston & Co. (1903) . .	465	District Council (1954)	167, 171, 175
Hammack v. White (1862)	123	Hay (or Bourhill) v. Young (1943): 94, 99,	
Hammersmith and City Ry. Co. v.		102, 103, 118	
Brand (1869)	86	Haydon v. Kent County Council (1978): .	460
Hammerton v. Earl Dysart	409, 433	Haynes v. Harwood (1935): 107, 116, 140, 158	
Hamps v. Darby (1948)	52, 53, 72	Hayward v. Board of Management	
Handcock v. Baker (1800)	71	(1954)	423
Hannah v. Peel (1945)	35	Hayward v. Thompson (1982)	308, 312
Hanson v. Wearmouth Coal Co., Ltd.		Hazell v. British Transport Commission	
and Sunderland Gas Co. (1939)	270	(1958)	113
Harakas v. Baltic Mercantile and Ship-		Healing (Sales) Pty., Ltd. v. Inglis Elec-	
ping Exchange, Ltd. (1982)	343	trix, Ltd. (1968)	47
Hardaker v. Idle District Council		Heap v. Ind Coope and Allsopp, Ltd.	
(1896)	422, 424	(1940)	250
Hardy v. Central London Ry. Co.		Heath v. Brighton Corporation (1908) .	234
(1920)	177, 190	Heath v. Heape (1856)	406
Hardy v. Motor Insurers' Bureau		Heatley v. Steel Co. of Wales, Ltd.	
(1964)	90	(1953)	437
Hardy v. Ryle (1829)	453	Heath v. Transport (St. Helens), Ltd. v.	
Hargreaves v. Bretherton (1958) . . .	407	Transport and General Workers	
Harnett v. Bond (1925)	24	Union (1973)	418
Harper v. Charlesworth (1825)	62	Heaven v. Pender (1883): 93, 94, 95, 114,	
Harper v. Godsell (1870)	46	162, 171	
Harper v. Haden & Sons (1933) . . .	256	Hebditch v. MacIlwaine (1894)	334
Harrington (Earl) v. Derby Corporation		Heddon v. Evans (1919)	88
(1905)	453	Hedley Byrne & Co. v. Heller & Part-	
Harris v. Birkenhead Corporation		ners, Ltd. (1964): 96, 100, 202, 203, 204,	
(1975)	175, 188	205, 387, 393	
Harris v. Empress Motors, Ltd. (1982) .	214	Hegarty v. Shine (1878)	68, 90
Harris v. James (1876)	246	Heilbut Symons & Co. v. Buckleton	
Harris v. Lubbock (1971)	339	(1913)	396
		Hellwig v. Mitchell (1910)	298
		Helman v. Horsham and Worthing As-	
		essment Committee (1949)	62