



**THE LAW AND PRACTICE**  
**RELATING TO**  
**MEETINGS OF LOCAL**  
**AUTHORITIES:**

THE PARISH  
THE DISTRICT  
THE BOROUGH  
THE COUNTY  
THE METROPOLIS

BY

**ALBERT CREW**

OF GRAY'S INN AND THE MIDDLE TEMPLE, BARRISTER-AT-LAW  
RECORDER OF SANDWICH

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Second (Revised) Edition

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This Book is  
Dedicated  
to  
Councillor John J. Caspell, J.P.  
358th Mayor  
of the ancient Town and Port of  
Sandwich\*  
and  
Alderman Ernest E. Dye, J.P.  
50th Mayor  
of the Borough of  
Ramsgate\*

1934

*\*See overleaf*

## SANDWICH AND RAMSGATE

Sandwich and Ramsgate are very typical of English ancient and modern boroughs. The ancient town and port of Sandwich was for several centuries the naval headquarters of England, and is one of the Cinque Ports, Ramsgate being one of its limbs. It is probable that Sandwich had a mayor before London had one, the first recorded mayor being Heylas de Kingeston (1226); the present mayor, Councillor John J. Caspell, is the 358th of the long line of mayors. Representatives from the Cinque Ports were first summoned to Parliament in 1265, the first returns for Sandwich are for 1366, after which it returned two members until disfranchised in 1885.

It is of interest to note that the families of Caspell, now represented by the present Mayor, and Harrisson, now represented by the learned Clerk of the Peace, Mr. W. R. Harrisson, have played an important part in the civic life of Sandwich. Sandwich is famous all the world over for the preservation of its mediæval atmosphere, and provided in its old world streets a perfect setting for its historical pageant in 1926.

Sandwich, in the field of sport, is renowned for its golf links, viz. Royal St. George's and Prince's. The Court Hall, of Tudor date, where its Quarter Sessions are held, is of great legal interest, in that the old jury box, in which the jury is literally impanelled, is so constructed that it can be shut up into the wall when not required in use, hence the phrase a jury was impanelled (e.g. 1586, The Maior shall ympannell a jury of the best men).

Ramsgate to-day is a modern, progressive town of great popularity and refinement, which has a notable history. It possessed a fair in Tudor times, and the Charter of Charles II mentions it as a member of Sandwich. It was incorporated by Royal Charter in 1884 and the present Mayor, Alderman Ernest E. Dye, J.P., is the jubilee Mayor of the Borough. Ramsgate celebrated its jubilee in 1934 by a wonderful historical pageant. The Town Clerks of Sandwich and Ramsgate are respectively Mr. E. Cotton Byrne and Mr. H. G. Curtis.

The Lord Warden of the Cinque Ports, the Marquess of Reading, formerly Viceroy of India and Lord Chief Justice of England, was installed in his ancient office at the Grand Court of Shipway at Dover on the 30th June 1934, a ceremony of surpassing dignity and solemnity under the able direction of the Seneschal, Mr. R. E. Knocker, the Town Clerk of Dover.

## PREFACE TO THE SECOND EDITION

LOCAL Government is now chiefly governed by six Acts of Parliament—the Municipal Corporations Act, 1882, the Local Government Acts of 1888, 1894, 1929, 1933, and the London Government Act, 1899.

The Act of 1929 has effected some fundamental changes, in particular the abolition of Boards of Guardians and the establishment of Public Assistance Committees under the control and direction of county and county borough councils.

The Act of 1933 has also made some important changes in the law relating to disqualification of councillors, vacation of office of councillors, the filling of casual vacancies in the office of chairman or member of the council, and meetings and committees generally.

The Third Schedule to the Act of 1933 provides a comprehensive code relating to the conduct of and procedure at meetings of county councils, borough councils, urban and rural district councils, parish councils and parish meetings.

The Standing Orders, 1934, of the London County Council, relating to proceedings at its meetings are included, by permission, as an appendix.

A. C.

3 Plowden Buildings,  
The Temple.  
1934.

## PREFACE TO THE FIRST EDITION

THE law and practice of meetings of local authorities are largely regulated by standing orders, which in turn are subordinate to and controlled by the statutes—especially the schedules thereto—which brought the local authority into being and govern its work and proceedings.

Where statutes or standing orders do not make sufficient provision for the conduct and procedure of such meetings, common law principles should be applied, but in matters of small importance the common practice of the local authority itself should usually be followed.

The casting vote of the chairman, the adjournment of meetings, and notice of amendments to motions which require notice by standing orders, *inter alia*, often present some difficulty in practice.

“When as the result of the chairman giving his vote, the numbers on either side become exactly equal, the common law appears to have provided no way out of the difficulty,” per Cave, J., in *Nell v. Longbottom* (1894, 1 Q.B., at p. 771), and for that reason a chairman of a local authority has always a casting vote, either by statute or by standing orders. The old common law, in not providing a casting vote for the chairman, shows greater wisdom than the modern statute. To require a chairman, whose authority depends chiefly on his impartiality and fairness to determine a question to which exactly one half of his council is opposed, is apparently the most effective way of giving him an opportunity of showing his partisanship, and thus undermining the strength of his position, besides putting a great strain on the loyalty which is owed to the chairman. The practice of the House of Lords, as in many other instances, it is suggested, is much preferable, where when an equality of votes is recorded the motion is deemed to be not carried. A chairman, in fact, would therefore be well advised to follow in principle this wholesome practice and vote *against* any motion where there is an equality of votes and thus maintain the dignified and impartial position of his office.

Fortunately, adjournments of meetings are invariably governed by standing orders, which generally provide that a meeting (i.e. a majority thereof) or a specified majority of a meeting may adjourn; otherwise if a meeting is improperly adjourned—except in cases of grave disorder—before the business is completed, the remaining members, if constituting a quorum, can validly transact any unfinished business.

It is a common practice to require a certain notice of time in regard to motions which do not ordinarily arise out of the usual business transacted at a meeting. Ordinary amendments to such motions, in the absence of express provision to the contrary, do not, as a rule, require notice except when such amendments very materially affect the motion or are inconsistent thereto. Any relevant amendment which the chairman improperly refuses to allow to be put may invalidate the resolution actually passed.

Part I of this book deals with the principles and practice affecting the conduct and procedure of corporate meetings; the other parts consider in some detail the law and practice of meetings of local authorities in the parish, the district, the borough, the county and the metropolis. It has been difficult to keep within due limits of the subject, and many matters, however remotely relevant to meetings, have been included.

The author is under considerable obligations to Mr. Ernest S. W. Hart, M.B.E., Clerk of the Middlesex County Council; Mr. Thomas Holt, O.B.E., Town Clerk of Winchester; and Mr. A. M. Nortier, Committee Clerk, City of London Corporation, who have read much of the book in proof and given him the benefit of their wide practical experience and knowledge, but all errors of omission and commission are, of course, entirely those of the author.

A. C.

3 Plowden Buildings,  
The Temple.  
*August, 1922.*

# TABLE OF STATUTES

	PAGE
Disorderly Houses Act, 1751, s. 2 .. .. .	86
Relief of the Poor Act, 1782 .. .. .	66
Metropolitan Police Acts, 1829-1912 .. .. .	227
Poor Law Amendment Act, 1834, s. 58 .. .. .	107
Municipal Corporations Act, 1835 .. .. .	43
City of London Police Act, 1839, ss. 56, 59 .. .. .	227
Companies Clauses Acts, 1845-89 .. .. .	5, 70
Metropolis Management Act, 1855—	
s. 9 .. .. .	231
s. 10 .. .. .	232
s. 30 .. .. .	231, 234
s. 57 .. .. .	235
s. 58 .. .. .	236
s. 59 .. .. .	237
ss. 60, 61 .. .. .	98, 235
s. 89 .. .. .	233
s. 149 .. .. .	243
ss. 198, 199 .. .. .	236
s. 202 .. .. .	235, 236
ss. 211, 212 .. .. .	244
s. 220-222 .. .. .	243
Metropolis Management Act, 1856, s. 9 .. .. .	232
Tithe Act, 1860, s. 28 .. .. .	67
Metropolis Management Act, 1862—	
s. 23 .. .. .	242
ss. 29, 30 .. .. .	244
ss. 37, 39 .. .. .	232
s. 57 .. .. .	244
Promissory Oaths Act, 1868 .. .. .	194
Trade Union Act, 1871, s. 14 .. .. .	68
Borough Funds Act, 1872, s. 4 .. .. .	233, 234
Public Health Act, 1875—	
s. 247 (4) .. .. .	67
s. 253 .. .. .	99
Municipal Corporations Act, 1882 .. .. .	159, 171
s. 10 (1) .. .. .	6
s. 12 .. .. .	33, 107, 119
s. 14 .. .. .	119
s. 15 .. .. .	36, 181
s. 22 .. .. .	12



	PAGE
Municipal Corporations Act, 1882—( <i>continued</i> )	
s. 22 (3) .. .. .	182
s. 23 (2) .. .. .	235
s. 34 .. .. .	230
s. 36 (1) .. .. .	110
s. 38 .. .. .	181
s. 39 .. .. .	111
s. 42 (1) .. .. .	107
s. 53 .. .. .	188
s. 60 .. .. .	197
s. 61 .. .. .	30, 36, 182, 195
s. 67 .. .. .	188
ss. 155, 157 .. .. .	181
s. 163 (5) .. .. .	180
s. 190 .. .. .	12
s. 233 .. .. .	69, 135
Schedule II—	
r. 2 .. .. .	36, 189
rs. 3, 4 .. .. .	15
r. 5 .. .. .	14
r. 7 .. .. .	16
r. 8 .. .. .	22
r. 9 .. .. .	234
r. 10 .. .. .	8, 11, 34, 36
r. 11 .. .. .	30
Municipal Elections (Corrupt Practices) Act, 1884, s. 37	159, 171
City of London Ballot Act, 1887 .. .. .	229
Law of Libel Amendment Act, 1888, s. 4 .. .. .	42, 88
Local Government Act, 1888—	
s. 1 .. .. .	193, 239
s. 2 .. .. .	193, 197
s. 2 (5) .. .. .	194
s. 30 .. .. .	121, 124, 144
s. 40 (4) (5) .. .. .	239
s. 41 (6) .. .. .	240
s. 75 .. .. .	111, 135, 197
s. 78 (2) .. .. .	242
s. 83 .. .. .	132
Oaths Act, 1888 .. .. .	194
Interpretation Act, 1889, s. 26 .. .. .	137
Public Bodies Corrupt Practices Act, 1889—	
ss. 1, 2 .. .. .	90
s. 7 .. .. .	91
London County Council (General Powers) Act, 1890, s. 23	240
Partnership Act, 1890, s. 24 (9) .. .. .	68
Public Health (London) Act, 1891, s. 126 .. .. .	244
Public Libraries Acts, 1892, s. 15 .. .. .	125

	PAGE
London County Council (General Powers) Act, 1893—	
s. 10 .. .. .	240
Schedule (Rules as to Meetings) .. .. .	240-242
Municipal Corporations Act, 1893, s. 2 .. .. .	34
Public Authorities Protection Act, 1893, s. 1 .. .. .	89
Local Government Act, 1894—	
s. 3 (1) .. .. .	152
s. 3 (9) .. .. .	152
s. 17 (8) .. .. .	66
s. 19 .. .. .	151
s. 24 (5) .. .. .	173
s. 31 .. .. .	231
s. 31 (3) .. .. .	232
s. 46 .. .. .	107, 231
s. 46 (6) .. .. .	111
s. 47 (3) .. .. .	110
s. 48 (4) .. .. .	110
s. 58 .. .. .	135
s. 58 (5) .. .. .	69, 70
s. 59 (3) .. .. .	128
s. 75 .. .. .	134
Schedule I, Part II—	
r. 5 .. .. .	19
r. 8 .. .. .	162
Thames Conservancy Act, 1894 .. .. .	227
London Government Act, 1899—	
s. 2 (3) (4) .. .. .	230
s. 2 (5) .. .. .	98, 231, 232
s. 2 (6) .. .. .	233
s. 2 (8) .. .. .	234
s. 3 (2) (3) .. .. .	231
s. 4 .. .. .	231
s. 5 (2) .. .. .	235
s. 8 (1) (2) .. .. .	236
s. 8 (3) .. .. .	237
s. 24 .. .. .	230
Schedule II, Part II .. .. .	235
Education Act, 1902, s. 17 .. .. .	95
Metropolis Water Act, 1902 .. .. .	78, 227
London County Council (General Powers) Act, 1904 .. .. .	227
Prevention of Corruption Act, 1906, s. 1 .. .. .	91
Justice of the Peace Act, 1906, s. 3 .. .. .	230
Companies (Consolidation) Act, 1908, ss. 69, 182 .. .. .	19
Local Authorities (Admission of the Press to Meetings) Act, 1908—	
s. 1 .. .. .	94
ss. 2-5 .. .. .	95
s. 6 .. .. .	96

	PAGE
Port of London Act, 1908 .. .. .	78, 227
Public Meeting Act, 1908 .. .. .	96
Small Holdings and Allotments Act, 1908, s. 35 .. .. .	130
Municipal Corporations (Amendment) Act, 1910, s. 1 .. .. .	182
London County Council (General Powers) Act, 1911, s. 17 .. .. .	244
Municipal Corporations (Corrupt and Illegal Practices) Act, 1911 .. .. .	159 171
British Nationality Act, 1914, s. 1 .. .. .	104
Port of London Act, 1914 .. .. .	78
Military Service Act, 1916 .. .. .	81
Prevention of Corruption Act, 1916—	
s. 1 .. .. .	91
s. 2 .. .. .	92
s. 4 .. .. .	91, 92
Representation of the People Act, 1918—	
s. 3 .. .. .	104, 136, 158, 171, 198
s. 8 (2) .. .. .	136, 158, 171, 198
Schedule VI—	
Clause (5) .. .. .	239
Income Tax Act, 1918, Schedule A .. .. .	170
Public Libraries Act, 1919, s. 7 .. .. .	233
Blind Persons Act, 1920 .. .. .	106
Education Act, 1921—	
s. 3 .. .. .	207
s. 4 .. .. .	208
s. 10 .. .. .	98, 208
s. 30 .. .. .	209
s. 48 (2) .. .. .	99
s. 123 (2) .. .. .	99
Schedule I, Part II (Meetings of Committees) .. .. .	209
Schedule I, Part III (Qualification of Members) .. .. .	210
Schedule III (Meetings of Managers) .. .. .	211
Local Government and other Officers' Superannuation Act, 1922,	
s. 2 .. .. .	78
Rating and Valuation Act, 1925—	
ss. 16, 17 .. .. .	221
s. 60 .. .. .	223
s. 68 (4) .. .. .	148
Schedule I—	
rs. 1-5 .. .. .	222
r. 7 .. .. .	223
r. 10 .. .. .	221
rs. 11, 12 .. .. .	222
Supreme Court of Judicature Act, 1925, s. 44 .. .. .	35
Economy (Miscellaneous Provisions) Act, 1926, s. 9 .. .. .	136

	PAGE
Companies Act, 1929—	
s. 117 .. .. .	8
s. 120 (2) .. .. .	63
Local Government Act, 1929—	
s. 1 .. .. .	213
s. 15 .. .. .	221
s. 18 .. .. .	221, 229, 237
Representation of the People (Equal Franchise) Act, 1928, s. 2	104
	123, 136, 158, 171, 198
Poor Law Act, 1930—	
s. 2 .. .. .	213
s. 3 .. .. .	124, 213
s. 4 .. .. .	215
s. 5 .. .. .	216
s. 6 .. .. .	218
s. 122 .. .. .	219, 244
Education (Local Authorities) Act, 1931, s. 1 .. .. .	207
Solicitors' Act, 1932, s. 54 .. .. .	230
Local Government Act, 1933—	
s. 2 .. .. .	193
s. 3 .. .. .	113, 193
ss. 4, 5 .. .. .	195
s. 6 .. .. .	113, 196
s. 7 .. .. .	196
s. 8 .. .. .	198
s. 9 .. .. .	113, 198
s. 10 .. .. .	198
s. 11 .. .. .	199
ss. 12-14 .. .. .	201
ss. 15, 16 .. .. .	202
s. 17 .. .. .	6, 179
s. 18 .. .. .	36, 113, 179, 231, 243, 244
s. 19 .. .. .	30, 36, 182, 188
s. 20 .. .. .	182, 195
s. 21 .. .. .	113, 183
s. 22 .. .. .	183
s. 23 .. .. .	113, 184
ss. 24, 25 .. .. .	184
ss. 26-28 .. .. .	187
ss. 29, 30 .. .. .	188
ss. 31, 32 .. .. .	165
s. 33 .. .. .	113, 165, 173
s. 34 .. .. .	166
s. 35 .. .. .	113, 167
ss. 36, 37 .. .. .	168
s. 38 .. .. .	169
ss. 39, 40 .. .. .	171
ss. 41, 42 .. .. .	172
s. 43 .. .. .	147
ss. 44, 45 .. .. .	148

	PAGE
Local Government Act, 1933—(continued)—	
s. 46 .. .. .	149
s. 47 .. .. .	150
s. 48 .. .. .	151
s. 49 .. .. .	30, 113, 152, 155, 160, 162
s. 50 .. .. .	156
s. 51 .. .. .	113, 157
s. 52 .. .. .	157
ss. 53, 54 .. .. .	158
s. 55 .. .. .	160
s. 57 .. .. .	103, 157
s. 58 .. .. .	104
s. 59 .. .. .	43, 104, 119, 231
s. 60 .. .. .	107
s. 61 .. .. .	108, 152, 166, 180, 195
s. 62 .. .. .	109
s. 63 .. .. .	33, 110
ss. 64, 65 .. .. .	111
s. 66 .. .. .	113, 166
s. 67 .. .. .	114, 198
s. 68 .. .. .	116
s. 69 .. .. .	130
s. 75 .. .. .	116, 208
s. 76 .. .. .	33, 107, 116, 138, 182
s. 77 (2) .. .. .	153
s. 85 .. .. .	12, 119
s. 86 .. .. .	120
s. 87 .. .. .	121
ss. 88, 89 .. .. .	122
ss. 90, 91 .. .. .	123
s. 94 .. .. .	124
s. 95 .. .. .	125
ss. 96, 97 .. .. .	126
s. 125 .. .. .	127
ss. 126, 127 .. .. .	128
s. 128 .. .. .	129
ss. 219, 223, 224 .. .. .	99
s. 237 .. .. .	113
s. 240 .. .. .	99
s. 249 .. .. .	126
s. 267 .. .. .	130
ss. 276, 277 .. .. .	100
s. 279 .. .. .	132
s. 280 .. .. .	97, 98, 132, 149
s. 281 .. .. .	98, 133, 149
s. 282 .. .. .	134, 149
s. 283 .. .. .	69, 97, 135, 150
ss. 286-289 .. .. .	137
s. 294 .. .. .	131, 194
s. 295 .. .. .	189
s. 296 (1) .. .. .	148
s. 305 .. .. .	95, 116, 122, 123, 144, 170, 179

## Local Government Act, 1933—(continued)—

Schedule II, Part II	..	..	..	..	..	..	179
Schedule III—							
Part I—							
r. 1 ..	..	..	..	..	..	..	202
r. 2 ..	..	..	..	..	..	..	203
rs. 3, 4	..	..	..	..	..	..	204
Part II—							
r. 1 ..	..	..	..	..	..	..	180, 188
r. 2 ..	..	..	..	..	..	14, 15, 16, 22,	189
r. 3 ..	..	..	..	..	..	..	182, 190
r. 4 ..	..	..	..	..	..	8, 12, 33, 34,	190
Part III—							
r. 1 ..	..	..	..	..	..	..	36, 173
r. 2 ..	..	..	..	..	..	..	173
r. 3 ..	..	..	..	..	..	..	167, 174
r. 4 ..	..	..	..	..	..	..	36, 175
rs. 5, 6	..	..	..	..	..	..	175
Part IV—							
r. 1 ..	..	..	..	..	..	..	97, 160
r. 2 ..	..	..	..	..	..	..	161
rs. 3, 4	..	..	..	..	..	..	162
r. 5 ..	..	..	..	..	..	..	60, 162
Part V—							
r. 1 ..	..	..	..	..	..	..	30, 138
rs. 2, 3	..	..	..	..	..	..	139
r. 4 ..	..	..	..	..	..	..	37, 139
r. 5 ..	..	..	..	..	..	..	139
r. 6 ..	..	..	..	..	..	..	140
Part VI—							
r. 1 ..	..	..	..	..	..	..	153
r. 2 ..	..	..	..	..	..	..	113, 154
r. 3 ..	..	..	..	..	..	..	150, 153, 154
r. 4 ..	..	..	..	..	..	..	59, 155
r. 5 ..	..	..	..	..	..	..	155
rs. 6, 7	..	..	..	..	..	..	156
Schedule IX	..	..	..	..	..	..	140

## TABLE OF CASES

	PAGE
Alexander v. Simpson, 1889 .. .. .	16
Allen v. Gold Reefs of West Africa, 1900 .. .. .	35
Anthony v. Seger, 1789 .. .. .	58
Arnot v. United African Lands, 1901 .. .. .	24
Ash v. Abdy, 1678 .. .. .	10, 35
Attorney General v. Batley Corporation, 1872 .. .. .	181
Attorney General v. Blackburn Corporation, 1887 .. .. .	180, 194
Attorney General v. Cardiff Corporation, 1894 .. .. .	180, 194
Attorney General v. Davy, 1741 .. .. .	33
Attorney General v. West Riding of Yorkshire, 1905 .. .. .	124
Attwood v. Chapman, 1914 .. .. .	81
 Bank of Bombay v. Suleman Somji, 1908 .. .. .	 68
Barron v. Potter, 1914 .. .. .	11
Barnes Corporation, <i>Re</i> , 1933 .. .. .	183, 198
Barton v. Taylor, 1886 .. .. .	41
Baxter v. Spencer, 1895 .. .. .	197
Bevan v. Webb, 1901 .. .. .	68
Blacket v. Blizard, 1829 .. .. .	11
Bland v. Buchanan, 1901 .. .. .	30, 108
Booth v. Arnold, 1895 .. .. .	44
Bowyer v. Mather, 1919 .. .. .	100
Bristol (Mayor of) v. Visger, 1826 .. .. .	66
British Flax Producers Co., <i>Re</i> , 1889 .. .. .	26
Brown v. Croome, 1817 .. .. .	82, 83
Brown v. Dagenham R.D.C., 1929 .. .. .	8
Burland v. Earle, 1902 .. .. .	8
Burton v. Bevan, 1908 .. .. .	63
 Campbell v. Maund, 1836 .. .. .	 10, 26
Carlton Main Colliery Co. v. Hemsworth R.D.C., 1929 .. .. .	18
Catesby v. Burnett, 1916 .. .. .	27
Cawley & Co., <i>Re</i> , 1889 .. .. .	64

	PAGE
Chard v. Bush, 1923 .. .. .	107
Child v. Hudson's Bay Co., 1723 .. .. .	3
Chillington Iron Co., <i>Re</i> , 1885 .. .. .	26
City of London v. Wood, 1701 .. .. .	127
Cleve v. Financial Corporation, 1873 .. .. .	16
Clinch v. Financial Corporation, 1868 .. .. .	51, 53
Cook v. Ward, 1877 .. .. .	120, 236
Co-partnership Farms v. Harvey-Smith, 1918 .. .. .	81
Cornwall v. Woods, 1846 .. .. .	24, 60
Crump v. Lewis, 1908 .. .. .	107
D'Arcy v. Adamson, 1913 .. .. .	43
D'Arcy v. Tamar, &c., Railway Co., 1867 .. .. .	34
Davies v. Gas Light & Coke Co., 1909 .. .. .	71
Davies v. Snead, 1870 .. .. .	81, 88
Davis v. Duncan, 1874 .. .. .	80
Davis v. Shepstone, 1886 .. .. .	89
Davison v. Duncan, 1857 .. .. .	82
Dean of Ferne's case, 1622 .. .. .	59
Dighton's case, 1695 .. .. .	43
Dobson v. Fussy, 1831 .. .. .	16, 41
Douglass v. Rhyl U.D.C., 1913 .. .. .	193
Doyle v. Falconer, 1866 .. .. .	32, 41
East v. Bennett Bros., 1911 .. .. .	11
Edmondson v. Birch, 1907 .. .. .	84
England v. Inglis, 1920 .. .. .	119
Ernest v. Loma Gold Mines, 1897 .. .. .	59
Exeter, &c., Railway Co. v. Buller, 1847 .. .. .	8
Express Engineering Works, <i>Re</i> , 1920 .. .. .	14
Eynsham, <i>Re</i> , 1849 .. .. .	234
Faulkner v. Elger, 1825 .. .. .	57, 58
Fireproof Doors, Ltd., <i>Re</i> , 1916 .. .. .	65
Firth v. Staines, 1897 .. .. .	237
Fordham v. Webber, 1925 .. .. .	197
Foss v. Harbottle, 1843 .. .. .	9
Fox v. Pett, 1918 .. .. .	67
Fray v. Fray, 1864 .. .. .	79



	PAGE
Galway case, The, 1871 .. .. .	59
George v. Goddard, 1861 .. .. .	85
George Newman & Co., <i>Re</i> , 1895 .. .. .	33
Gerard v. Dickenson, 1590 .. .. .	84
Gosling v. Veley, 1853 .. .. .	9
Gray v. Allison, 1909 .. .. .	43
Greville-Smith v. Tomlin, 1911 .. .. .	107
Harben v. Phillips, 1883 .. .. .	59
Harries v. Crawford, 1919 .. .. .	211
Harris v. Thompson, 1853 .. .. .	83
Hascard v. Somany, 1693 .. .. .	8
Haycraft Gold Reduction Co., <i>Re</i> , 1900 .. .. .	7
Hayward v. Hayward, 1886 .. .. .	83
Hebditch v. M'Ilvaine, 1894 .. .. .	84
Henderson v. Bank of Australasia, 1890 .. .. .	29, 45, 48, 53
Hickman v. Kent Sheepbreeders' Association, 1920 .. .. .	60
Holden v. Southwark B.C., 1921 .. .. .	119
Hooper v. Truscott, 1836 .. .. .	84
Horbury Bridge Coal Co., <i>Re</i> , 1879 .. .. .	46, 49
Howbeach Coal Co. v. Teague, 1860 .. .. .	33
Howe v. Jones, 1885 .. .. .	83
Howell v. Jackson, 1834 .. .. .	31
Hunt v. Star Newspaper Co., 1908 .. .. .	80
Huth v. Clarke, 1890 .. .. .	13, 122, 236
Indian Zoedone Co., <i>Re</i> , 1884 .. .. .	26, 65
Inglis v. G.N. Railway Co., 1852 .. .. .	63
James v. Institute of Chartered Accountants, 1907 .. .. .	20
Johnson v. Hazell, Watson & Viney, 1890 .. .. .	87
Joynt v. Cycle Trade Publishing Co., 1904 .. .. .	80
Kerr v. Wilkie, 1860 .. .. .	20
Kershaw v. Shoreditch B.C., 1906 .. .. .	111
Kielley v. Carson, 1841 .. .. .	42
Knight's case, 1867 .. .. .	65