

PETER BIRKS

AN INTRODUCTION
TO THE LAW OF
RESTITUTION

CLARENDON



PAPERBACKS

AN INTRODUCTION
TO THE
LAW OF RESTITUTION

PETER BIRKS

CLARENDON PRESS • OXFORD

Oxford University Press, Walton Street, Oxford OX2 6DP
Oxford New York Toronto
Delhi Bombay Calcutta Madras Karachi
Petaling Jaya Singapore Hong Kong Tokyo
Nairobi Dar es Salaam Cape Town
Melbourne Auckland
and associated companies in
Berlin Ibadan

Oxford is a trade mark of Oxford University Press

Published in the United States
by Oxford University Press, New York

© Peter Birks 1985

First issued as a paperback (with revisions) 1989

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of Oxford University Press

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out or otherwise circulated without the publisher's prior consent in any form of binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser

British Library Cataloguing in Publication Data

Birks, Peter

An introduction to the law of restitution.

1. Restitution—Great Britain

I. Title

344.207'77 KD1605

ISBN 0-19-876074-4

ISBN 0-19-825645-0 (Pbk)

Library of Congress Cataloging in Publication Data

Birks, Peter.

An introduction to the law of restitution.

Includes index.

1. Restitution—Great Britain.

2. Unjust enrichment—Great Britain. I. Title.

KD1924.B57 1985 346.41'029 84-20639 344.10629

ISBN 0-19-876074-4 (Oxford University Press)

ISBN 0-19-825645-0 (Pbk)

Printed in Great Britain by
Courier International Ltd,
Tiptree, Essex

Dia 55.61

AN INTRODUCTION
TO THE
LAW OF RESTITUTION

L20,
L9m

24.00

For Jack
Deine Treu' erhielt mein Leben

PREFACE TO THE PAPERBACK EDITION

This is not a new edition, but I am grateful for the opportunity to include updating endnotes and to make some corrections. For the future, the aim is first to produce a larger and more fully documented textbook, after which this *Introduction* will perhaps be able to fall back in its second edition to a more introductory length and level.

The bibliography has been revised and updated. The most important of the new entries is without question the third edition of *Goff and Jones*, extraordinarily generous in its reception of this book. Also extremely useful for its firm judgment and clear exposition of a difficult subject is A. S. Burrows's excellent *Remedies for Torts and Breach of Contract*, especially chapter 6, 'Restitutionary Remedies'.

The endnotes, which are identified by asterisked markers in the text, do not pretend to call attention to every recent event in the law of restitution; their aim is to bring in new material which develops, or in some cases confounds, the book's structural themes. Some items deserve a mention in advance. It is, for instance, particularly fitting to the year which marks the tercentenary of the Glorious Revolution and the Bill of Rights that we should seem to be on the brink of a leading case on the question whether the subject has a right to restitution of money unlawfully demanded by public authorities (see Endnote 22). The question whether English law is well enough equipped to deal with profitable wrongdoing has been pushed into greater prominence by, *inter alia*, the *Spycatcher* affair (see Endnotes 23 and 25). And an important development in relation to those who receive misapplied trust funds has for the moment turned the law away from the direction pointed to in the text. It has been decided, though at the cost of un-noticed contradictions, that the personal liability of such recipients to make restitution in the first measure (value received) must depend on proof of a high degree of fault (see Endnote 32). Cutting across individual topics, another notable recent theme has been the contribution of the High Court of Australia to the case-law of this subject (see Endnotes 2, 6, 14, 25, 28).

I am grateful once again to Jack Beatson, Fellow of Merton College, and to Andrew Burrows, Fellow of Lady Margaret Hall, both of whom saved me from some errors of omission and commission. As the endnotes reveal, both disagree quite strongly with parts of what is said, especially about 'free acceptance'.

Southampton,
9 August, 1988

P.B.H.B.

TABLE OF CASES

Abbot <i>Re</i> [1900] 2 Ch. 326; 69 L.J. Ch. 539; 48 W.R. 541	225
Adam <i>v.</i> Newbigging (1888) 13 App. Cas. 308, aff'g (1886) 34 Ch. D. 582; 56 L.J. Ch. 275; 55 L.T. 794; 35 W.R. 597	416
A.-G. <i>v.</i> De Keyser's Royal Hotel [1920] A.C. 508; 89 L.J. Ch. 417; [1920] All E.R. 80; 122 L.T. 691; 36 T.L.R. 600; 64 S.J. 513	323
A.-G. <i>v.</i> Goddard (1929) 98 L.J.K.B. 743; 45 T.L.R. 609; 73 S.J. 514	339
A.-G. <i>v.</i> Guardian Newspapers Ltd. [1988] 3 W.L.R. 776; [1988] 3 All E.R. 545	479
A.-G. of Hong Kong <i>v.</i> Humphreys Estate Ltd. [1987] A.C. 114; [1987] 2 W.L.R. 343; [1987] 2 All E.R. 387	466
A.-G. <i>v.</i> Jonathan Cape Ltd [1976] Q.B. 752; [1975] 3 W.L.R. 606; [1975] 3 All E.R. 484; (1975) 119 S.J. 696	343
A.-G. <i>v.</i> Wilts United Dairies Ltd. (1921) 37 T.L.R. 884	295
A.-G.'s Reference (No. 1 of 1985) [1986] Q.B. 481; [1986] 2 W.L.R. 735; [1986] 2 All E.R. 219	473-4
Adras Ltd <i>v.</i> Harlow & Jones GmbH (1988) 42 (1) P.D. (Sup. Ct. of Israel), (1988) 104 L.Q.R. 383	471
Aiken <i>v.</i> Short (1856) 1 H. & N. 210; 35 L.J. Exch. 321; 27 L.T. 188; 4 W.R. 645; 108 R.R. 526	149, 151, 153, 154
Air Canada <i>v.</i> Secretary of State for Trade [1983] 2 A.C. 394; [1983] 2 W.L.R. 494; [1983] 1 All E.R. 910	298
Alec Lobb (Garages) Ltd. <i>v.</i> Total Oil (Great Britain) Ltd. [1985] 1 W.L.R. 173; [1985] 1 All E.R. 173	457, 460
Allcard <i>v.</i> Skinner (1887) 36 Ch.D. 145; 56 L.J. Ch. 1052; 57 L.T. 61	205, 207
Allgemeine Gold- und Silberscheideanstalt <i>v.</i> Customs and Excise Comrs. [1986] Q.B. 390; [1980] 2 W.L.R. 55; [1980] 2 All E.R. 137	67
Allied Arab Bank Ltd. <i>v.</i> Hajjar, <i>The Times</i> , 11 Mar. 1988; <i>The Independent</i> , 8 Apr. 1988	478
Aluminium Industries Vaasen B.V. <i>v.</i> Romalpa Aluminium [1976] 1 W.L.R. 676; 120 S.J. 95; [1976] 2 All E.R. 552; (1976) 1 Lloyd's Rep. 443	385
Amalgamated Investment & Property Co. Ltd <i>v.</i> Texas Commerce International Bank Ltd. [1982] Q.B. 84; [1981] 1 All E.R. 577; [1982] 1 Lloyd's Rep. 27	169, 293
Amantilla Ltd. <i>v.</i> Telefonos p.l.c. (1987) 9 Constr. L.R. 139	448-9
Ambrose <i>v.</i> Kerrison (1851) 10 C.B. 776; 20 L.J.C.P. 135; 84 R.R. 775	197
Ames' Settlement <i>Re</i> [1946] Ch. 217; [1946] 1 All E.R. 689; 115 L.J. Ch. 344; 175 L.T. 222; 62 T.L.R. 300; 90 S.J. 188	224
Anchor Brewhouse Developments Ltd. <i>v.</i> Berkley House (Dockland Developments) Ltd. (1987) 284 Est. Gaz. 626	466
Andrew <i>v.</i> St. Olave's Board of Works [1898] 1 Q.B. 775; 67 L.J.Q.B. 592; 78 L.T. 504; 62 J.P. 328; 46 W.R. 424; 42 S.J. 381	191
Appleby <i>v.</i> Myers (1867) L.R. 2 C.P. 651; 36 L.J.C.P. 331; 16 L.T. 669	230, 231, 233, 253
Arris <i>v.</i> Stukeley (1678) 2 Mod. 260	35, 134, 143

Armstrong v. Jackson [1917] 2 K.B. 822; 86 L.J.K.B. 1375; 117 L.T. 479; 33 T.L.R. 444	416
Asher v. Wallis (1707) 11 Mod. 146; Holt K.B. 36	134, 143
Ashpitel v. Sercombe (1850) 5 Ex. 147	220
Associated Japanese Bank International Ltd. v. Credit du Nord SA (1988) 138 N.L.J. Rep 109; [1988] 3 All E.R. 902	454
Astor's Settlement Trusts <i>Re</i> [1952] Ch. 534; [1952] 1 T.L.R. 1003; [1952] 1 All E.R. 1067; 96 S.J. 246	225
Astley v. Reynolds (1731) 2 Str. 915; 2 Barn. K.B. 40; 93 E.R. 939	175, 181, 423
Atwood v. Maude (1868) 3 Ch. App. 369	462-3
Atwood v. Small (1838) 6 Cl. & F. 232, 395; 1 M. & R. 246; 7 B. & C. 390; 2 Y. & J. 72; 3 C. & P. 208; 49 R.R. 115	169
Australia and New Zealand Banking Group Ltd. v. Westpac Banking Corporation (1988) 78 A.L.R. 577; 62 A.L.J.R. 292	452, 474, 479
Avon C.C. v. Howlett [1983] 1 W.L.R. 605; [1983] 1 All E.R. 1073; 81 L.T.R. 55	142, 166, 404, 406, 409, 410, 415
Avondale Printers v. Haggie [1979] 2 N.Z.L.R. 124	282
Avon Finance Co. Ltd v. Bridger (1979) [1985] 2 All E.R. 281	456
Ayres v. Hazelgrove, 9 Feb. 1984, unreported, 1982/NJ/1003	459-60
Bacon v. Cooper Metals Ltd. [1982] 1 All E.R. 397	11
Baden, Delvaux and Lecuit v. Société Générale pour Favoriser le Développement du Commerce et de l'Industrie en France S.A. [1983] B.C.L.C. 325	477
Baker, G.L., Ltd. v. Medway Building and Supplies Ltd. [1958] 1 W.L.R. 1216; 102 S.J. 877; [1958] 3 All E.R. 540	442
Bank of Baroda v. Shah, [1988] 3 All E.R. 24	456
Bannatyne v. D.C. MacIver [1906] 1 K.B. 103; 75 L.J.K.B. 120; 54 W.R. 293; 94 L.T. 150	94, 290, 374
Bannister v. Bannister [1948] 2 All E.R. 133; [1948] W.N. 261; 92 S.J. 377	62
Banque Belge pour L'Etranger v. Hambrouck [1921] 1 K.B. 321; 90 L.J.K.B. 322; 37 T.L.R. 76; 65 S.J. 74; 26 Comm. Cas. 72	141, 361, 362, 441
Banque de L'Indo-Chine v. J. H. Rayner (Mincing lane) Ltd [1983] Q.B. 711; [1983] 2 W.L.R. 841; [1983] 1 All E.R. 468; [1983] 2 Lloyd's Rep. 476	224
Banque des Marchands de Moscou <i>Re</i> Wilenkin v. The Liquidator [1952] 1 All E.R. 1269	312
Barclays Bank Ltd. v. W.J. Simms, Son and Cooke (Southern) Ltd. [1980] Q.B. 677; [1980] 2 W.L.R. 218; [1979] 3 All E.R. 522; [1980] 1 Lloyd's Rep. 225	150, 154, 155, 156, 158, 160, 414, 452
Barclays Bank v. Quistclose Investments Ltd. [1970] A.C. 567; [1968] 3 W.L.R. 1097; 112 S.J. 903; [1968] 3 All E.R. 561	226, 387, 462
Barder v. Caluori [1988] A.C. 20; [1987] 2 W.L.R. 1350; [1987] 2 All E.R. 440	451-2
Barnes v. Addy (1874) 9 Ch. App. 244; 43 L.J. Ch. 513; 30 L.T. 4; 22 W.R. 505	337, 439
Bartlett v. Barclays Bank Ltd [1980] Ch. 515. [1980] 2 W.L.R. 430 [1980] 1 All E.R. 139	11

Table of Cases

xiii

Barton <i>v.</i> Armstrong [1976] A.C. 104; [1975] 2 W.L.R. 1050; [1975] 2 All E.R. 465	157, 180, 182, 183
Basham, <i>In re</i> [1986] 1 W.L.R. 1498	466
Bateman's Will Trusts <i>Re</i> [1970] 1 W.L.R. 1463; [1970] 3 All E.R. 817; 114 S.J. 707	136
Baylis <i>v.</i> Bishop of London [1913] 1 Ch. 127; 82 L.J. Ch. 61; 107 L.T. 730; 29 T.L.R. 59; 57 S.J. 96	18, 412, 413, 414, 478
Beaman <i>v.</i> A.R.T.S. Ltd. [1949] 1 K.B. 550; 65 T.L.R. 389; 93 S.J. 236; [1949] 1 All E.R. 465	347
Beatty <i>v.</i> Guggenheim Exploration Co. (1919) 225 N.Y. 380	64
Belgische Radio en Televisie and Société Belge des auteurs <i>v.</i> S.V. S.A.B.A.M. and N.V. Fonior [1974] E.C.R. 51	178
Bell <i>v.</i> Lever Bros. [1932] A.C. 161; 101 L.J.K.B. 129; 146 L.T. 258; 37 Com. Cas. 98; 76 S.J. 50, 48 T.L.R. 133	160, 162, 163, 418, 454
Bell Houses Ltd. <i>v.</i> City Wall Properties Ltd. [1965] 3 All E.R. 427	309
Belmont Finance Corporation <i>v.</i> Williams Furniture Ltd. (No. 1) [1979] Ch. 250; [1978] 3 W.L.R. 712; [1979] 1 All E.R. 118; (No. 2) [1980] 1 All E.R. 393	439, 444
Belshaw <i>v.</i> Bush (1851) 11 C.B. 191; 22 L.J.C.P. 24; 17 Jur. 67	190
Belvoir Finance Co. Ltd. <i>v.</i> Stapleton [1971] 1 Q.B. 210; [1970] 3 W.L.R. 530; 114 S.J. 719; [1970] 3 All E.R. 664	303
Berg <i>v.</i> Sadler and Moore [1937] 2 K.B. 158; [1937] 1 All E.R. 637; 106 L.J.K.B. 593; 156 L.T. 334; 53 T.L.R. 430; 81 S.J. 158; 42 Comm. Cas. 228	427
Berkely Applegate (Investment Consultants) Ltd, <i>In re</i> [1988] 3 All E.R. 71; [1988] 3 W.L.R. 95	479
Bernard <i>v.</i> Josephs [1982] Ch. 391; [1982] 2 W.L.R. 1052; [1982] 3 All E.R. 162	128
Betterware Products Ltd. <i>v.</i> Customs and Excise Commissioners (No. 2) [1988] S.T.C. 6	470
Bigos <i>v.</i> Bousted [1951] 1 All E.R. 92	203, 302, 428
Bilbie <i>v.</i> Lumley (1892) 2 East 469	165, 166
Bishop <i>Re</i> [1965] Ch. 450; [1965] 1 All E.R. 249; [1965] 2 W.L.R. 188; 109 S.J. 107	368
Blackburn Benefit Building Society <i>v.</i> Cunliffe, Brooks & Co., (1885) 29 Ch. D. 902; 52 L.J. Ch. 92; 48 L.T. 33; 31 W.R. 98	374, 398
Blackwell <i>v.</i> Blackwell [1929] A.C. 318; 98 L.J. Ch. 251; 140 L.T. 444; 45 T.L.R. 208; 73 S.J. 92	62, 136
Boardman <i>v.</i> Phipps [1967] 2 A.C. 46; [1966] 3 W.L.R. 1009; 110 S.J. 853; [1966] 3 All E.R. 721	33, 125, 126, 320, 333, 341, 342, 343, 353, 388, 420, 474-5, 476
Boiler <i>ex Elephant</i> , The (1891) 64 L.T. 543	307
Bolton <i>v.</i> Mahadeva [1972] 1 W.L.R. 1009; 116 S.J. 564; [1972] 2 All E.R. 1322	239
Bond Worth Ltd. <i>Re</i> [1980] Ch. 228; [1979] 3 W.L.R. 629; (1979) 123 S.J. 216; [1979] 3 All E.R. 919	92, 385, 394
Borden (U.K.) Ltd <i>v.</i> Scottish Timber Products Ltd. [1981] Ch. 25; [1979] 3 W.L.R. 672; [1979] 3 All E.R. 961; [1980] 1 Lloyd's Rep. 160	368, 385, 386

Boston Deep Sea Fishing & Ice Company <i>v.</i> Ansell (1888) 39 Ch. D. 339; 59 L.T. 345	339
Boulton <i>v.</i> Jones (1857) 2 H. & N. 564; 27 L.J. Exch. 117; 30 L.T. 188; 6 W.R. 107	115, 266, 280, 346, 395, 396, 478
Bowell <i>v.</i> Milbank (1772) 1 T.R. 399n.; 3 Wils. 355	134
Bowmakers Ltd. <i>v.</i> Barnet Instruments Ltd. [1945] K.B. 65; [1944] 2 All E.R. 579; 114 L.J.K.B. 41; 172 L.T. 1, 61 T.L.R. 62; 89 S.J. 22	73, 431, 432
B.P. Exploration Co. (Libya) Ltd. <i>v.</i> Hunt (No. 2) [1983] 2 A.C. 352; [1982] 2 W.L.R. 253; [1982] 1 All E.R. 925; [1979] 1 W.L.R. 783	109, 249-59, 288, 307, 419, 451
Bradshaw <i>v.</i> Beard (1862) 12 C.B. (N.S.) 344; 31 L.J.C.P. 273; 6 L.T. 458; 26 J.P. 630; 8 Jur. (N.S.) 1228	197
Bray <i>v.</i> Ford [1896] A.C. 44; 65 L.J.Q.B. 213	333
Brewer Street Investments Ltd. <i>v.</i> Barclays Woollen Co. Ltd. [1954] 1 Q.B. 428; [1953] 3 W.L.R. 869; 97 S.J. 796; [1953] 2 All E.R. 1330	283, 284, 285
Brisbane <i>v.</i> Dacres (1813) 5 Taunt. 143; 14 R.R. 718	164, 165
Bristow <i>v.</i> Eastman (1794) 1 Peake 291; 1 Esp. 172; 5 R.R. 728	141, 438
British Steel Corporation <i>v.</i> Cleveland Bridge and Engineering Co. Ltd. [1984] 1 All E.R.	275, 285, 467
Brocklebank Ltd. <i>v.</i> R. [1925] 1 K.B. 52; 94 L.J.K.B. 26; 132 L.T. 166; 40 T.L.R. 869; 16 Asp. M.L.C. 415	295, 356
Brocklehurst (Dec'd) <i>Re</i> [1977] 3 W.L.R. 696; [1978] 1 All E.R. 767; (1977) 121 S.J. 633	184, 205, 206
Brocklesbury <i>v.</i> Temperance Building Society [1895] A.C. 173	393
Bromley <i>v.</i> G.L.C. [1983] 1 A.C. 768; [1982] 2 W.L.R. 62; [1982] 1 All E.R. 129	295, 298
Brook's Wharf and Bull Wharf Ltd. <i>v.</i> Goodman Bros. [1937] 1 K.B. 534; 106 L.J.K.B. 437; [1936] 3 All E.R. 696; 156 L.T. 4; 42 Comm. Cas. 98; 80 S.J. 991; 53 T.L.R. 126; 56 Lloyd's List R. 71	188, 271
Broome <i>v.</i> Cassell & Co. Ltd. [1972] A.C. 1027; [1972] 2 W.L.R. 645; 116 S.J. 199; [1972] 1 All E.R. 801	18, 327
Brougham <i>v.</i> Dwyer (1913) 108 L.T. 504; 29 T.L.R. 234	309, 469
Brown <i>v.</i> De Tastet [1819] Jac. 284; [1814-23] All E.R. Repr. 112	420
Brown <i>v.</i> Litton (1711) 1 P. Wms. 140; 10 M.R. 20; 2 Eq. Cas Abr. 5	420
Brown and Davis Ltd. <i>v.</i> Galbraith [1972] 1 W.L.R. 997; [1972] 3 All E.R. 31; [1972] 2 Lloyd's Rep. 1	282
Buckinghamshire Constabulary Widows' and Orphans' Friendly Society (No. 2), <i>In re</i> [1979] 1 W.L.R. 936	461
Buckley <i>v.</i> Irwin [1960] N.I. 98	459
Buller <i>v.</i> Harrison (1777) 2 Cowp. 565	412
Burgess <i>v.</i> Rawnsley [1975] Ch. 429; [1975] 3 W.L.R. 99; [1975] 3 All E.R. 429	224
Butler <i>v.</i> Rice [1910] 2 Ch. 277; 79 L.J. Ch. 652; 103 L.T. 94	392
Butler Machine Tool Co. Ltd. <i>v.</i> Ex-Cell-O Corporation (England) Ltd. [1979] 1 W.L.R. 401; [1979] 1 All E.R. 165	466-7
Butlin's Settlement Trusts <i>Re</i> Butlin <i>v.</i> Butlin, [1976] Ch. 251; [1976] 2 W.L.R. 547; [1976] 2 All E.R. 483	155

Butterworth <i>v.</i> Kingsway Motors Ltd. [1954] 1 W.L.R. 1286; [1954] 2 All E.R. 694; 98 S.J. 717	247
Byfield <i>Re</i> [1982] Ch. 267; [1982] 2 W.L.R. 613; [1982] 1 All E.R. 249 ...	18, 94, 95
Campbell <i>v.</i> Hall (1774) 20 State Tr. 239; 1 Cowp. 204; Lofft. 655	297
Campbell Discount Co. Ltd. <i>v.</i> Bridge [1961] 1 Q.B. 445; [1961] 2 W.L.R. 596; [1961] 2 All E.R. 97; 105 S.J. 232	212
Cantiere San Rocco S.A. <i>v.</i> Clyde Shipbuilding & Engineering Co. [1924] A.C. 226; 93 L.J.P.C. 86; 130 L.T. 610; 1923 S.C. (H.L.) 105	220
Car and Universal Finance Co. Ltd. <i>v.</i> Caldwell [1965] 1 Q.B. 525; [1964] 2 W.L.R. 600	66
Carl Zeiss Stiftung <i>v.</i> Herbert Smith & Co. (No. 2) [1969] 2 Ch. 276; [1969] 2 W.L.R. 427; [1969] 2 All E.R. 367; (1968) 112 S.J. 1021	444, 445, 477
Carr-Saunders <i>v.</i> Dick McNeil Associates Ltd. [1986] 1 W.L.R. 922; [1986] 2 All E.R. 888	471
Chandler <i>v.</i> Webster [1904] 1 K.B. 493; 73 L.J.K.B. 401, 90 L.T. 217; 52 W.R. 290; 20 T.L.R. 222	222, 417
Chaplin <i>v.</i> Leslie Frewin (Publishers) Ltd. [1966] 2 W.L.R. 40; [1965] 3 All E.R. 764; 109 S.J. 871	218
Chapple <i>v.</i> Cooper (1844) 13 M. & W. 252	121
Chase Manhattan Bank N.A. <i>v.</i> Israel-British Bank (London) Ltd. [1980] 2 W.L.R. 202; [1979] 3 All E.R. 1025; 124 S.J. 99	89, 132, 377-9, 383-4
Cherry <i>v.</i> Colonial Bank of Australasia (1869) L.R. 3 P.C. 24	170
Chesworth <i>v.</i> Farrar [1967] 1 Q.B. 407; [1966] 2 W.L.R. 1073; [1966] 2 All E.R. 107; 110 S.J. 307	12, 348, 349
Chettiar <i>v.</i> Chettiar [1962] A.C. 294	428
Chillingworth <i>v.</i> Esche [1924] 1 Ch. 97; 93 L.J. Ch. 129; 40 T.L.R. 23	224
China Pacific S.A. <i>v.</i> Food Corporation of India [1982] A.C. 939; [1981] 3 W.L.R. 860; [1981] 3 All E.R. 688; [1982] 1 Lloyd's Rep. 117	194, 195, 201
City Bank of Sydney <i>v.</i> McLaughlin (1909) 9 C.L.R. 615	190, 276
City of London <i>v.</i> Goree (1677) 3 Keble 677; 2 Levinz 174; 1 Ventris 298	35
City of New Orleans <i>v.</i> Fireman's Charitable Association, (1891) 9 So. 486	334
Clarke <i>v.</i> Copley, (1789) 2 Cox. 173; 2 R.R. 25	399
Clay <i>v.</i> Yates (1856) 1 H. & N. 73; 25 L.J. Ex. 237; 27 L.T. 126; 4 W.R. 557	232
Clayton's Case: Devaynes <i>v.</i> Noble (1817) 1 Mer. 572; 15 R.R. 161	363, 364, 365, 367, 393, 474
Clea Shipping Corp. <i>v.</i> Bulk Oil International Ltd. The Alaskan Trader [1983] 1 Lloyd's Rep. 315; [1984] 1 All E.R. 688	216, 236
Cleadon Trust Ltd. <i>Re</i> [1939] Ch. 286; [1938] 4 All E.R. 518; (1939) 108 L.J. Ch. 81; 55 T.L.R. 154; 82 S.J. 1030	147, 278, 289, 290
Clough <i>v.</i> London & Northern Western Railway (1871) L.R. 7 EX. 26; 41 L.J. EX. 17; 25 L.T. 708; 20 W.R. 189	171
Cohen <i>v.</i> Sellar [1926] 1 K.B. 536; [1926] All E.R. Repr. 312; 95 L.J.K.B. 629; 42 T.L.R. 409; 70 S.J. 505	225

Colonial Bank <i>v.</i> Exchange Bank of Yarmouth, Nova Scotia (1885) 11 App. Cas. 84; 55 L.J.P.C. 14; 54 L.T. 256; 34 W.R. 417	150
Coldunell Ltd <i>v.</i> Gallon [1986] Q.B. 1184; [1986] 2 W.L.R. 429; [1986] 1 All E.R. 429	455
Commonwealth of Australia <i>v.</i> Burns [1971] V.R. 825	299, 410
Congresbury Motors Ltd. <i>v.</i> Anglo-Belge Finance Ltd. [1971] Ch. 81; [1970] 3 W.L.R. 683; [1970] 3 All E.R. 385; (1970) 114 So. J. 682	392
Congreve <i>v.</i> Home Office [1976] Q.B. 629; [1976] 2 W.L.R. 291; [1976] 1 All E.R. 697	295, 298
Conlon <i>v.</i> Murray [1958] N.I. 6 (C.A.)	459
Conservative and Unionist Central Office <i>v.</i> Burrell [1982] 1 W.L.R. 522	461
Cook <i>v.</i> Deeks [1916] A.C. 554; 85 L.J.P.C. 161; 114 L.T. 636	137, 144, 145
Cooke <i>v.</i> Head [1972] 1 W.L.R. 518; 116 S.J. 298; [1972] 2 All E.R. 38	57, 128
Cooper <i>v.</i> Phibbs (1867) L.R. 2 H.L. 149; 16 L.T. 678; 15 W.R. 1049	125, 126, 170, 420, 421, 422
Core's Case (1537) 1 Dyer 20a	79
Cork and Youghal Railway <i>Re</i> (1869) L.R. 4 Ch. App. 748; 39 L.J. Ch. 277; 21 L.T. 735	96, 374
Cowcher <i>v.</i> Cowcher [1972] 1 W.L.R. 425; [1972] 1 All E.R. 943; (1971) 116 S.J. 142	56, 63, 127, 367
Cowern <i>v.</i> Nield [1912] 2 K.B. 419; 81 L.J.K.B. 865; 106 L.T. 984; 28 L.R. 423	437, 438
Crabb <i>v.</i> Arun District Council [1976] Ch. 179; [1975] 3 W.L.R. 847; [1975] 119 S.J. 711; [1975] 3 All E.R. 865	47, 51, 292
Craig <i>Re</i> [1971] Ch. 95; [1970] 2 W.L.R. 1219; [1970] 2 All E.R. 390; 114 S.J. 171	184, 206
Craven-Ellis <i>v.</i> Canons Ltd. [1936] 2 K.B. 403; 105 L.J.K.B. 767; [1936] 2 All E.R.; 155 L.T. 376; 80 S.J. 652; 52 T.L.R. 657	118, 119, 120, 129, 130, 167, 186, 196, 229, 271, 272, 273, 274, 435, 451, 453
Cresswell <i>v.</i> Potter [1978] 1 W.L.R. 255	218
Cundy <i>v.</i> Lindsay (1878) 3 App. Cas. 459; 47 L.J.Q.B. 481; 38 L.T. 573; 26 W.R. 406	50, 162
Customs and Excise Commissioners <i>v.</i> Fine Art Developments [1988] S.T.C. 178	470
Cutter <i>v.</i> Powell (1795) 6 T.R. 320	230
D. & C. Builders <i>v.</i> Rees [1966] 2 Q.B. 617; [1966] 2 W.L.R. 288; [1965] 3 All E.R. 837; 109 S.J. 971	183
Davis <i>Re</i> [1902] 2 Ch. 314; 71 L.J. Ch. 539; 86 L.T. 523; 51 W.R.8	354
Davis <i>v.</i> Vale [1971] 2 All E.R. 1021; [1971] 1 W.L.R. 1022	128
Daymond <i>v.</i> South West Water Authority [1976] A.C. 609; [1975] 3 W.L.R. 865; [1976] 1 All E.R. 39; 74 L.G.R. 128	295, 298
Degelman <i>v.</i> Guaranty Trust Co. of Canada [1954] 3 D.L.R. 785	147, 274, 287
Denley's Trust Deed <i>Re</i> [1969] 1 Ch. 373; [1968] 3 W.L.R. 457; [1968] 3 All E.R. 65; 112 S.J. 673	225, 461-2
Dent <i>v.</i> Bennett (1838) 4 My. & Cr. 269	207

Table of Cases

xvii

Derry v. Peek (1887) 14 App. Cas. 337; 58 L.J. Ch. 864; 61 L.T. 265; 38 W.R. 33; 54 J.P. 148	422
Deutsche Bank v. Beriro & Co. (1895) 73 L.T. 669; 12 T.L.R. 106; 1 Comm. Cas. 255	405
Deveau v. Connolly (1849) 8 C.B. 640; 19 L.J.C.P. 71; R.R. 659	220
Dew v. Parsons (1819) 2 B. & Ald. 562; 1 Chit. 295	175
Dies v. British and International Mining and Finance Corporation [1939] 1 K.B. 725; 108 L.J.K.B. 398; 160 L.T. 563	236, 237, 238, 240, 463
Dillwyn v. Llewelyn (1862) 4 De G.F. & J. 517; 31 L.J. Ch. 658; 6 L.T. 878; 10 W.R. 742	291
Diplock Re Diplock v. Wintle [1948] Ch. 465; [1948] 2 All E.R. 318; 92 S.J. 484; affirmed <i>sub. nom.</i> Ministry of Health v. Simpson [1951] A.C. 251; [1950] 2 All E.R. 522	33, 70, 81, 92, 96, 143-5, 166, 338, 363-7, 371-4, 380-5, 411-12, 442-3, 478
Direct Cosmetics Ltd. v. Customs and Excise Commissioners [1985] 479	470
Docker v. Somes (1835) 2 Myl. & K. 655, 688	354
Dodsworth v. Dodsworth (1973) 228 E.G. 115	88
Dolan v. Neligan [1967] I.R. 247	297
Donoghue v. Stevenson [1932] A.C. 562; 103 S.J. 143	17
Doyle v. Olby (Ironmongers) Ltd. [1969] 2 Q.B. 158; [1969] 2 All E.R. 119	170
Duchess of Argyll v. Duke of Argyll [1967] Ch. 302; [1965] 2 W.L.R. 790; [1965] 1 All E.R. 611	329, 343
Duke of Beaufort v. Patrick (1835) 17 Bear. 60; 22 L.J. Ch. 489; 21 L.T. 296; 1 W.R. 280	291
Duke de Cadaval v. Collins (1836) 4 A. & E. 858	315
Dunlop Pneumatic Tyre Co. Ltd. v. New Garage & Motor Co. Ltd. [1915] A.C. 79	214
Dutch v. Warren (1720) 1 Str. 406	245, 335
Dyer v. Dyer (1788) 2 Cox Eq. 92; 2 White & Tudor L.C. 749	367
Earl of Aylesford v. Morris (1873) L.R. 8 Ch. App. 484	460
Earl of Chesterfield v. Janssen (1751) 2 Ves. sen. 125; 1 Atk. 301; 1 Wils Ch. 286; 1 White and Tudor L.C. 248	211
Eastwood v. Kenyon (1840) 11 A. & E. 438	280
Edgington v. Fitzmaurice (1885) 29 Ch. D. 459; 55 L.J. Ch. 650; 53 L.T. 369; 33 W.R. 911; 50 J.P. 52	157, 168, 170
Edmunds v. Wallingford (1885) 14 Q.B.D. 811; 54 L.J. Q.B. 305; 52 L.T. 720	188
Edwards v. Lee's Administrators (1936) 265 Ky. 418	326, 355
England v. Marsden (1866) L.R. 1 C.P. 529; 33 L.J.C.P. 259; 14 L.T. 405	188
English v. Dedham Vale Properties Ltd. [1978] 1 W.L.R. 93; [1978] 1 All E.R. 382; 121 S.J. 320; 245 E.G. 737	82, 331, 345
Erlanger v. New Sombrero Phosphate Co. (1878) L.R. App. Cas. 1218; 48 L.J. Ch. 73; 39 L.T. 269; 27 W.R. 65	421
Essery v. Cowlard (1884) 26 Ch. D. 191; 53 L.J. Ch. 661, 51 L.T. 60; 32 W.R. 518	224, 387
Esso Petroleum v. Mardon [1975] Q.B. 819; [1975] 2 W.L.R. 147; [1975] 1 All E.R. 203	170

EVTR, <i>Re.</i> [1987] B.C.L.C. 646, C.A.	462
Exall <i>v.</i> Partridge (1799) 8 T.R. 308; 3 Esp. 8; 4 R.R. 656	114, 117, 118, 129, 186, 197, 198, 228
<i>F. Re.</i> [1988] 1 All E.R. 358	459
Falcke <i>v.</i> Scottish Imperial Insurance Co. (1886) 34 Ch. D. 234; 56 L.J. Ch. 707; 56 L.T. 220; 3 T.L.R. 141 ...	114, 194, 195, 196, 198, 199, 270, 276, 456, 465
Federal Sugar Refining Company <i>v.</i> U.S. Sugar Equalisation Board (1946) 26 Wash. (2d.) 282	336-7
Fibrosa Spolka Akcynja <i>v.</i> Fairbairn Lawson Combe Barbour [1943] A.C. 32; [1942] 2 All E.R. 122; 111 L.J.K.B. 433; 167 L.T. 101; 58 T.L.R. 308	222, 223, 226, 230, 231, 245, 248, 249, 417
Films Rover International Ltd. <i>v.</i> Cannon Film Sales Ltd. (1987) B.C.L.C. 540, reversed on appeal (to be reported in [1989] W.L.R.)	453, 463, 465, 467, 474, 476
Forman & Co. <i>v.</i> S.S. Liddlesdale [1900] A.C. 190; 69 L.J.P.C. 44; 82 L.T. 331	239
Fowkes <i>v.</i> Pascoe (1875) L.R. 10 Ch. App. 343; 44 L.J. Ch. 367; 32 L.T. 545	63
Fraser <i>v.</i> Evans [1969] 1 W.B. 349; [1968] 3 W.L.R. 1132; [1969] 1 All E.R. 3	343
Fry <i>v.</i> Lane (1888) 40 Ch. D. 312; 58 L.J. Ch. 113; 60 L.T. 12	218, 458-9
Galbraith <i>v.</i> Mitchenall Estates Ltd. [1964] 2 W.L.R. 454; 108 S.J. 749; [1964] 2 All E.R. 653	212
Garden Cottage Foods Ltd. <i>v.</i> Milk Marketing Board [1984] A.C. 130; [1983] 3 W.L.R. 143; [1983] 2 All E.R. 770	178
Gaudet <i>v.</i> Brown, Cargo <i>ex Argos</i> (1873) L.R. 5 P.C. 134; 28 L.T. 77; 21 W.R. 420	201
Gebhardt <i>v.</i> Saunders [1892] 2 Q.B. 452; 67 L.T. 648; 40 W.R. 571; 36 S.J. 524	191
Ghana Commercial Bank <i>v.</i> Chandiram [1960] A.C. 732; [1960] 3 W.L.R. 328; [1960] 2 All E.R. 865; 104 S.J. 583	94, 390
Gilbert and Partners <i>v.</i> Knight [1968] 2 All E.R. 248; 112 S.J. 155	282
Giles <i>v.</i> Edwards (1797) 7 T.R. 181	220, 417
Gillingham Bus Disaster Fund <i>Re</i> [1959] Ch. 62; [1958] 3 W.L.R. 325; [1958] 2 All E.R. 749; aff'g [1958] Ch. 300; [1958] 1 All E.R. 37	63
Gissing <i>v.</i> Gissing [1971] A.C. 886; [1970] 3 W.L.R. 255; [1970] 2 All E.R. 780; 114 S.J. 550	63, 127
Glasgow Corporation <i>v.</i> Lord Advocate 1959 S.C. 203; (1959) S.L.T. 230	296
Gokal <i>v.</i> Nand Ram [1939] A.C. 106; [1938] 4 All E.R. 407	201
Goldsworthy <i>v.</i> Brickell [1987] 1 Ch. 378; [1987] 2 W.L.R. 1186; [1987] 1 All E.R. 853	455, 458
Goring, The [1988] 2 W.L.R. 460 H.L.; [1987] Q.B. 687 C.A.	456
Gowers <i>v.</i> Lloyds and National Provincial Bank Ltd. [1938] 1 All E.R. 766; 158 L.T. 467; 54 T.L.R. 550; 82 S.J. 232	412
Graham & Co. <i>v.</i> United Turkey Red Co. 1922 S.C. 533	451
Great Northern Railway <i>v.</i> Swaffield (1874) L.R. 9 EX. 132	200
Great Western Railway <i>v.</i> Sutton (1869) L.R. 4 H.L. 226; 38 L.J. EX. 177; 22 L.T. 43	175

Table of Cases

xix

Green v. Portsmouth Stadium Ltd. [1953] 2 Q.B. 190; [1953] 2 All E.R. 102 ...	210
Green v. Salmon (1838) 8 A. & E. 348; 3 Nev. & P.K.B. 388; 7 L.J. Q.B. 236	197
Greenwood v. Bennett [1973] 1 Q.B. 195; [1972] 3 W.L.R. 691; [1972] 3 All E.R. 586; 116 S.J. 762	122-6, 155, 195-6, 276, 279, 421
Greer v. Downs Supply Co. [1927] 2 K.B. 28; 96 L.J.K.B. 534; 137 L.T. 174 ...	266
Griffin v. Weatherby (1868) L.R. 3 Q.B. 753; 9 B. & S. 726; 37 L.J. Q. B. 280; 18 L.T. 881	134, 144
Grist v. Bailey [1967] Ch. 532; [1966] 3 W.L.R. 618; [1966] 2 All E.R. 875; 110 S.J. 791	163, 164
Guinness p.l.c. v. Saunders (1988) 138 N.L.J. Rep. 142; [1988] 1 W.L.R. 863; [1988] 2 All E.R. 940	474-5
Hain Steamship Co. v. Tate & Lyle [1936] 2 All E.R. 597; 155 L.T. 177; 52 T.L.R. 617; 41 Comm. Cas. 350; 55 Lloyd's List Rep. 159	239, 241
Hall v. Hall [1982] 2 F.L.R. 379	128
Hallett's Estate <i>Re</i> (1880) 13 Ch. D. 696, 705; 48 L.J. Ch. 734; 49 L.J. Ch. 415; 42 L.T. 421; 28 W.R. 732	69, 318, 359, 361-6, 369-70
Harris v. Watson (1791) Peake 102	176
Henry Parker v. Mason [1940] 2 K.B. 590	302
Hart v. E.P. Dutton & Co. Inc. (1949) 93 N.Y.S. (2d) 871; 98 N.Y.S. (2d) 773; 99 N.Y.S. (2d) 1014	328
Hart v. O'Connor [1985] A.C. 1000; [1985] 3 W.L.R. 214; [1985] 2 All E.R. 880	458-9
Hatch v. Hatch (1804) 9 Ves. 292; 1 Smith K.B. 226	207
Hawtayne v. Bourne (1841) 7 M. & W. 595; 10 L.J. Ex. 224; 56 R.R. 806	198
Heathcote v. Hulme (1819) 1 Jac. & W. 122; 37 E.R. 322	351
Hedley Byrne & Co. Ltd. v. Heller & Partners Ltd [1964] A.C. 465; [1963] 3 W.L.R. 101; [1963] 2 All E.R. 575	17, 170, 464
Hermann v. Charlesworth [1905] 2 K.B. 123; 74 L.J.K.B. 620; 93 L.T. 284; 54 W.R. 22; 21 T.L.R. 368	210
Heyman v. Darwins Ltd. [1942] A.C. 356; [1942] 1 All E.R. 337; 111 L.J.K.B. 241; 166 L.T. 306	236
Hill v. Langley, <i>The Times</i> , 28 Jan. 1988	475
Hillesden Securities Ltd. v. Ryjack Ltd [1983] 1 W.L.R. 959; [1983] 2 All E.R. 184	330
Hirschfield v. London Brighton & South Coast Railway (1876) 2 Q.B.D. 1; 46 L.J.Q.B. 94	170
Hirst v. Tolson (1850) 2 Mac. & G. 134; 42 E.R. 52	462
Hodgson v. Marks [1971] Ch. 892; [1971] 2 W.L.R. 1263; [1971] 2 All E.R. 684	44, 54, 58, 61-4, 71, 90, 130, 206
Hoenig v. Isaacs [1952] 1 T.L.R. 1360; [1952] 2 All E.R. 176	239
Holt v. Markham [1923] 1 K.B. 504; 92 L.J.K.B. 406; 128 L.T. 719; 67 S.J. 314	18, 170, 405, 410
Hood of Avalon, Lady v. Mackinnon [1909] 1 Ch. 476; 78 L.J. Ch. 300; 100 L.T. 330; 25 T.L.R. 290; 53 S.J. 269	154
Hooper v. Exeter Corporation (1887) 56 L.J.Q.B. 457	297
Horcal Ltd. v. Gatland [1983] I.R.L.R. 459	454

Horsfall <i>v.</i> Thomas (1862) 1 H. & C. 90; 2 F. & F. 785; 31 L.J. EX. 322; 6 L.T. 462	169
Horsler <i>v.</i> Zorro [1975] Ch. 302; [1975] 2 W.L.R. 183; [1975] 1 All E.R. 584; 119 S.J. 83	226, 387
Hospital Products Ltd. <i>v.</i> U.S. Surgical Corporation (1984) 1562 C.R.R. 41; 58 A.J.L.R. 587; 55 A.L.S. 417	471
Hovenden and Sons <i>v.</i> Millhoff [1900] 83 L.T. 41; 16 T.L.R. 506	338
Howard <i>v.</i> Wood (1679) 1 Freem. K.B. 473, 478; T. Jo. 126; 2 Levinz 245; 2 Show. 21	134, 143
Howe <i>v.</i> Smith (1884) 27 Ch. D. 89; 53 L.J. Ch. 1055; 50 L.T. 573; 32 W.R. 802	224
Howell <i>v.</i> Falmouth Boat Construction Ltd. [1951] A.C. 837; [1951] 2 T.L.R. 151; [1951] 2 All E.R. 278; 95 S.J. 413	410
Hughes <i>v.</i> Liverpool Victoria Legal Friendly Society [1916] 2 K.B. 482; 85 L.J.K.B. 1643; 115 L.T. 40	170, 425
Huguenin <i>v.</i> Basely (1807) 14 Ves. 273	207
Hulton <i>v.</i> Hulton [1917] 1 K.B. 813; 86 L.J.K.B. 633; 116 L.T. 551; 33 T.L.R. 197	423
Hunt <i>v.</i> Silk (1804) 5 East 449; 2 Smith K.B. 15	246, 417
Hussey <i>v.</i> Palmer [1972] 1 W.L.R. 1286; [1972] 3 All E.R. 744; 116 S.J. 567	18, 57, 285, 292
Hyundai Heavy Industries Ltd. <i>v.</i> Papadoulos [1980] 1 W.L.R. 1129; [1980] 2 All E.R. 29; [1980] 2 Lloyd's Rep. 1	237, 463
Imperial Loan Co. <i>v.</i> Stone [1892] 1 Q.B. 599; 61 L.J.Q.B. 449; 66 L.T. 556; 8 T.L.R. 408	218
Inche Noriah <i>v.</i> Shaik Allie Bin Omar [1929] A.C. 127	205
Indian Oil Corporation <i>v.</i> Greenstone Shipping S.A. [1987] 3 W.L.R. 869; [1987] 3 All E.R. 893; [1987] 1 Lloyd's Rep. 310	472
Industrial Development Consultants Ltd. <i>v.</i> Cooley [1972] 1 W.L.R. 443; [1972] 2 All E.R. 162; 116 S.J. 255	331, 340
Industrial Properties (Barton Hill) Ltd. <i>v.</i> Associated Electrical Industries Ltd. [1977] 2 W.L.R. 726; [1977] 2 All E.R. 293	169
Intercontinental Packers Pty. Ltd. <i>v.</i> Harvey [1969] Qd. 159	176
International Sales and Agencies Ltd. <i>v.</i> Marcus [1982] 3 All E.R. 551	309, 310, 444
Inwards <i>v.</i> Baker [1965] 2 Q.B. 29; [1965] 2 W.L.R. 212; [1965] 1 All E.R. 446; 109 S.J. 75	89, 279, 292
Islamic Republic of Iran Shipping Lines <i>v.</i> Denby [1987] 1 Lloyds Rep. 367	473-4
Israel <i>v.</i> Douglas (1789) 1 H.Bl. 239	144
Jacobs <i>v.</i> Davis [1917] 2 K.B. 532	225
James Roscoe (Bolton) Ltd. <i>v.</i> Winder [1915] 1 Ch. 62; 84 L.J. Ch. 286; 112 L.T. 121	365
Jarvis <i>Re</i> [1958] 1 W.L.R. 815; [1958] 2 All E.R. 336; 102 S.J. 546	354
Jebara <i>v.</i> Ottoman Bank [1927] 2 K.B. 254	202

Jenkins v. Tucker (1788) 1 H.Bl. 90	197, 198
Jenner v. Morris (1861) 3 De G. & F. 45; 30 L.J. Ch. 361; 3 L.T. 871; 9 W.R. 391; 130 R.R. 22	94
Jennings v. Broughton (1853) 17 Beav. 234; 23 C.J. Ch. 999; 5 De G.M. & G. 126; 99 R.R. 120	169
Jennings and Chapman Ltd. v. Woodman Matthews & Co. [1952] 2 T.L.R. 409; 96 S.J. 561	284
Johnson v. Agnew [1980] A.C. 367; [1979] 2 W.L.R. 487; [1979] 1 All E.R. 883; 123 S.J. 217	222, 227
Johnson v. Royal Mail Steam Packet Co. (1867) L.R. 3 C.P. 38; 37 L.J.C.P. 33; 17 L.T. 445	187, 196
Jon Beauforte Ltd. Re [1953] Ch. 131; [1953] 2 W.L.R. 465; [1953] 1 All E.R. 634; 97 S.J. 152	435
Jones, R.E. Ltd. v. Waring & Gillow Ltd. [1926] A.C. 696; 95 L.J. K.B. 913; 135 L.T. 548; 32 Comm. Cas. 8; 42 T.L.R. 644	407
K., Re [1988] 1 All E.R. 358	459
Kearley v. Thomson (1890) 24 Q.B.D. 742; 59 L.J.Q.B. 488; 63 L.T. 150; 38 W.R. 614	301
Keen Re [1937] Ch. 236 [1937] 1 All E.R. 452; 106 L.J. Ch. 177; 156 L.T. 207; 53 T.L.R. 320	136
Kelly v. Solari (1841) 9 M. & W. 54; 11 L.J. Exch. 10; 6 Jur. 107	9, 165, 412, 478
Kerrison v. Glynn, Mills, Currie & Co. (1912) 81 L.J.K.B. 465; 105 L.T. 721; 17 Comm. Cas. 41; 28 T.L.R. 106	147
Kettlewell v. Refuge Assurance Co. Ltd. [1909] A.C. 243; 78 L.J.K.B. 519; 100 L.T. 306; 25 T.L.R. 395, aff'g. [1908] 1 K.B. 545; 77 L.J.K.B. 421	171
King's North Trust Ltd. v. Bell [1986] 1 W.L.R. 119; [1986] 1 All E.R. 423	456
Kiriri Cotton Co. v. Dewani [1960] A.C. 192; [1960] 2 W.L.R. 127; [1960] 1 All E.R. 177	167, 209, 423, 426
Kleinwort, Sons & Co. v. Dunlop Rubber Co. [1907] 97 L.T. 263; 23 T.L.R. 696; 51 S.J. 672	412
Lagos v. Grunwaldt [1910] 1 K.B. 41	449
Lagunas Nitrate Co. v. Lagunas Syndicate [1899] 2 Ch. 392; 68 L.J. Ch. 699; 81 L.T. 334; 48 W.R. 74; 15 T.L.R. 436	422
Lamb v. Bunce (1815) 4 M. & S. 275	269
Lamine v. Dorrell (1701) 2 Ld. Ray. 1216	35, 317, 335, 344, 348
Lampleigh v. Brathwait (1616) Hobart 105	268
Lancashire Loans Ltd v. Black [1934] 1 K.B. 380; 103 L.J.K.B. 129; 150 L.T. 304	207
Larner v. L.C.C. [1949] 2 K.B. 683; [1949] 1 All E.R. 964; 65 T.L.R. 316; 47 L.G.R. 533	151, 154-5, 408, 414
Lawford v. Billericay R.D.C. [1903] 1 K.B. 772; 72 L.J.K.B. 554; 67 J.P. 245; 88 L.T. 317; 19 T.L.R. 322	272
Leaf v. International Galleries [1950] 2 K.B. 86; 66 T.L.R. 1031; [1950] 1 All E.R. 693	162