



# The Construction of Wills

ALBERT KEATING  
B.C.L., LL.B., LL.M., B.L.

DUBLIN  
ROUND HALL LTD  
2001

Published in 2001 by  
Round Hall Ltd  
43, Fitzwilliam Place  
Dublin 2

Typeset by Carrigboy Typesetting Services, County Cork

Printed by MPG Books, Bodmin, Cornwall

ISBN 1-85800-231-1

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 publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature.

## THE CONSTRUCTION OF WILLS

UNITED KINGDOM

Sweet & Maxwell  
London

AUSTRALIA

LBC Information Services  
Sydney

CANADA and the USA

Carswell  
Toronto

NEW ZEALAND

Brooker's  
Auckland

SINGAPORE and MALAYSIA

Thomson Information (S.E. Asia)  
Singapore

Dedicated to the Memory  
of my beloved wife Ruth

*Me post te vivere mori sit  
nec ad vitam anima satis sit dimidia*

## PREFACE

In a construction suit involving a will, the first duty of the court is to ascertain and give effect to the intention of the testator. The raw material, so to speak, for this purpose is the will itself. At this stage the will will have passed the test of probate and it will be conclusive evidence of the testator's wishes. The language used by the testator will thereafter be viewed as providing the evidence of the testator's intention. Obviously, if a construction is required there is some doubt regarding the clarity of expression of intention. On a construction, bearing in mind that the testator's intention is the primary concern, the court will first read the will and give an ordinary meaning to the words used by the testator unless the context of the will suggests a different meaning. Where a testator uses the technical language of lawyers, the court will first presume that the testator intended a technical meaning to be given to the words, especially if the will was drafted professionally, unless there is a clear indication to the contrary in the will. The testator will be viewed as not only the author of the will but may also be its lexicographer. If the testator uses ordinary words but does not attach an ordinary meaning to them, he is free to do so for the purposes of his will, but in order to have them interpreted in this way he must provide the dictionary; the same applies in the case of technical words used by him. This will be the approach of the court to the language of the will.

Where a reading of the will does not divulge the testator's intention, the court may then fall back on rules of construction which will become applicable unless a contrary intention appears from the will. For instance, even the basic rule of construction that every will shall be construed to speak and take effect as if it had been executed before the death of the testator is subject to a contrary intention appearing from the will. In other words, a rule of construction may be applied to effectuate the testator's intention unless he intends otherwise. Where, however, the attempt to effectuate the testator's intention is in conflict with a rule of law, the rule of law prevails. For instance, where a gift is the subject of construction and its terms infringe the rule against perpetuities, the gift will be invalid no matter what the intention of the testator, although the court will be slow to apply the rule in the case of wills. Furthermore, where an equitable doctrine or concept becomes applicable, it will first be applied in furtherance of the testator's intention if at all possible but may be applied in the interests of justice and fairness regardless of the testator's intention.

Where a will exists, there is a presumption against an intestacy and the court will do all in its power to construe a gift so as to save it from an intestacy. It may be said here that section 99 of the Succession act 1965 also allows for such an approach to be taken by the court. However, there is a limit to what the court can do and where a gift cannot be saved without rewriting a testamentary provision the gift will fail

as the court is not empowered to rewrite a will even in a case where it is clear to the court what the testator intended to do. This is where duty and power come into collision. In an appropriate case, however, and within the circumstances allowed by section 90 of the Succession Act 1965, the court may admit extrinsic evidence, and while, of course, section 90 does not empower the court to rewrite a will it does allow the admission of extrinsic evidence where it assists the court in deciphering the testator's intentions or to explain a contradiction appearing on the face of the will.

Other matters may also impinge on a will. It may happen that after the death of the testator it is alleged that he created a *donatio mortis causa* during his lifetime to take effect on his death and a gift in his will disposes of the same subject matter. Or that the legal right of a surviving spouse has to be taken into account, or that the testator's children have decided to make an application under section 117 of the Succession Act 1965. In the case of a *donatio mortis causa* there must be sufficient evidence to show that the conditions for creating such a gift have been satisfied and where it is so the subject matter of the *donatio* will not form part of the estate to be distributed by the will. In the case of the spouse's legal right and an application by the testator's children under section 117 while the will will stand the testator's estate may be affected by the value of the legal right and by the court order under section 117 and a distribution in furtherance of the will accordingly.

Where a will containing a foreign element is involved the rules of private international law may also become applicable and due cognisance will be given to such rules by the court in the construction of the will.

It is the intention of the author to approach the subject matter of the book bearing in mind the foregoing perspectives and out of which he has constructed his format. To facilitate, this approach the book is divided into three parts. The first part deals with procedural rules applied by the court to the construction of a will. The second part considers the application of the substantive rules of construction and equitable doctrines and concepts which may be relied on by the court during the course of a construction, and also deals with the creation of non-testamentary gifts which may obtrude on a will. The third part deals with the interpretation of statutory rights and claims arising out of the making of a will and because they are payable out of the estate available for distribution they may also affect the dispositions made by the will.

As the construction jurisdiction of the court regarding wills is confined to the internal evidence of the will, subject to the limited occasions allowed by section 90 of the Succession Act 1965, for the admission of extrinsic evidence the author has thought it illustrative and instructive in certain cases to recite the relevant portion of the will which the court was called upon to construe in order to appreciate more fully the exercise of the court's jurisdiction in this instance. While it is accepted that a will is peculiar to its author and has no "twin brother," and that a construction of a will in one case may be of little or no assistance in other cases, where a rule of construction is required to be applied, or indeed, a rule of law, a case requiring this may have a more general application and may be relevant to other cases where that particular rule is required to be used.



The author wishes to express his gratitude to various wonderful people who provided encouragement and assistance during the writing of this book. He wishes particularly to express his love and gratitude to his children, Grattan, Sarah, Eddie and Giorgio without whose encouragement and strength the author might not have continued especially in the aftermath of their beloved mother's death. He also wishes to acknowledge with gratitude the friendly, efficient and professional assistance of Catherine Dolan, Commercial Manager, and Dave Ellis, Editorial Manager of Round Hall Sweet & Maxwell. He would also like to express a special thanks to his colleagues, Gráinne Callanan, Dr. Shane Kilcommins, Jason O'Riordan and Walter O'Leary.

LAW DEPARTMENT  
WATERFORD INSTITUTE OF TECHNOLOGY  
College Street Campus  
September 2001

## FOREWORD

In this latest contribution to a series of books which have rapidly become the touchstone for both practitioners and students of probate law in Ireland, Mr. Keating turns the spotlight on that most nebulous of subjects, the principles and practice of testamentary construction. The sure-footed manner in which the author guides us through the complexities of his subject is a testament to both his intuition and his endeavour. Mr. Keating masterfully avoids the hazards of ambiguity, the lifeblood of his subject matter. In so doing, the book succinctly addresses the fallout from the collision that often occurs between the court's duty to give effect to the intention of the testator and the limitations on its powers in this regard.

The first part of the book focuses on the procedural rules of construction, with a particularly cogent summary of the law in relation to the permissible use of extrinsic evidence in the ascertainment of the testator's intention. This part also contains a weighty section on the construction of foreign wills and the law governing foreign succession rights, statutory rights and intestacies. In this, the author expands upon an area previously addressed in his earlier works, most notably *Probate Causes and Related Matters*, where he analyses how the rules of private international law impact on the constructive of certain wills.

The substantive rules of construction, dealt with in the second part of the book, include such matters as the construction of absolute and conditional gifts, class rights and powers of appointment. While much of the source material is familiar, the author teases out the most salient elements of the law in both a user-friendly and thorough format. The circumstances in which equitable doctrines and non-testamentary gifts affect the construction of wills are also clearly sign posted in this part of the book.

The third and final part of the work deals with the interpretation of statutory rights and claims: the legal and related rights of a spouse and the moral duty of the testator to make adequate provision for his children. The increased complexity of family life and relationships in the present day has led to a complex statutory framework, which Mr. Keating once again presents in a coherent and structured manner. His ability to introduce common law concepts and principles at the appropriate time serves to answer the most pressing issues on which the statute law is silent or ambiguous.

*The Construction of Wills* constitutes a valuable contribution to our understanding of how the law of probate endeavours to extract the intention of the testator from an abstract document, while simultaneously doing justice to all parties with a legitimate interest therein. It is a work crafted at the coal face of probate law, but retains an admirable objectivity throughout. Space has been allocated with a view

to reflecting the proportionate importance of the issue raised. As with all good books, what the author says is important, what he does not say is also important for the fact that he does not say it. It is with great pleasure that I accepted the invitation to pen this foreword, as it affords me the best seat in the house to wholeheartedly recommend this book.

FREDERICK MORRIS,  
President,  
The High Court

October 2001

## ABBREVIATIONS

Ad. & E.	Adolphus & Ellis's Reports (1834–1841)
Add.	Addams' Ecclesiastical Reports (1822–1826)
All E.R.	All England Law Reports
A.C./App. Cas.	Appeal Cases (A.C.–1891 to date)
Atk.	Atkyns (1736–1755)
B. & A.	Barnewell & Adolphus' King's Bench Reports (1830–1834)
B. & Ald.	Barnewall & Alderson (1817–1822)
B. & S.	Best & Smith (1861–1870)
Beav.	Beavan's Rolls Court Reports (1838–1866)
Bing.	Bingham's Common Pleas Reports (1822–1840)
Bro. Ch. C.	Brown's Chancery Cases (1778–1794)
Carth.	Carthew's King's Bench Reports (1668–1701)
C.B.N.S.	Common Bench Reports (New Series) (1856–1865)
Ch./Ch. D.	Chancery (1891 to date) (1875–1890)
Ch. App.	Chancery Appeals (1865–1875)
Cl. & F.	Clark & Finnelly's House of Lords Cases (1831–1846)
C.L.Y.B.	Current Law Year Book
Co./Co. Rep.	Coke's King's Bench Reports (Eliz. I–James I)
Cox Eq.	Cox's Equity Cases (1745–1797)
Cowp.	Cowper's King's Bench Reports (1774–1778)
Cr.M. & R.	Crompton, Meeson & Roscoe's Exchequer Reports (1834–1835)
Cr. & M.	Crompton & Meeson's Exchequer Reports (1832–1834)
Cr. & Ph.	Craig & Phillips' Chancery Reports (1840–1841)
Curt.	Curteis' Ecclesiastical Reports (1834–1844)
D. & War.	Drury & Warren's Irish Chancery Reports (1841–1843)
Dea. & Sw.	Deane & Swabey's Ecclesiastical Reports (1855–1857)
De G. & J.	De Gex & Jones' Chancery Reports (1856–1859)
De G. & Sm.	De Gex & Smale's Vice-Chancellor's Reports (1846–1852)
De G.F. & J.	De Gex, Fisher & Jones' Chancery Reports (1831–1846)
De G.J. & S.	De Gex, Jones & Smith's Chancery Reports (1831–1846)
De G.M. & G.	De Gex, Macnaghten & Gordon's Chancery Reports (1851–1857)
Dick.	Dicken's Chancery Reports (1559–1792)
Dr. & Sm.	Drewry & Smale's Vice Chancellor's Reports (1859–1865)
Dr. & War.	Drury & Warren's Irish Chancery Reports (1841–1843)
Drew.	Drewry's Vice Chancellor's Reports (1852–1859)
E. & B.	Ellis & Blackburn's Queen's Bench Reports (1852–1858)
E. & E.	Ellis & Ellis' Queen's Bench Reports (1858–1861)
Eq.	Equity Cases (1866–1875)

Esp. N.P.	Espinasse's Nisi Prius Reports (1793–1810)
Fam.	Family Division (1972 to date)
Fam. L.J.	Family Law Journal
H. & C.	Hurlstone & Coltman (1862–1866)
Hag. Ecc.	Haggard's Ecclesiastical Reports (1827–1833)
Hare	Hare's Chancery Reports (1841–1853)
H.L.C./H.L. Cas.	House of Lords Cases (1847–1866)
Hurl. & C.	Hurlstone & Coltman's Exchequer Reports (1862–1866)
I.C.L.M.D.	Irish Current Law Monthly Digest
I.L.T.	Irish Law Times
Ir. Eq.	Irish Equity Reports (1838–1850)
Ir. Jur. Rep.	Irish Jurist Reports (1935 to date)
Ir. R. C.L.	Irish Reports, Common Law
I.L.R.M.	Irish Law Reports Monthly
I.L.T.R.	Irish Law Times Reports
I.R.	Irish Reports (1833–1893) (1893 with date to date)
John. & H.	Johnson & Hemming's Vice-Chancellor's Reports (1859–1862)
Jur.	Jurist (1837–1854)
K. & J.	Kay & Johnson's Vice Chancellor's Reports (1854–1958)
K.B.	King's Bench Division (1901–1952)
Keen	Keen's Rolls Court Reports (1836–1838)
Lee	Lee's Ecclesiastical Judgements (1752–1758)
L.J.C.P.	Law Journal Reports, New Series, Common Pleas
L.J. Ch.	Law Journal Reports, Chancery (1831–1946)
L.J.Ir.	Law Journal, Irish
L.J.P.D. & A.	Law Journal Reports, New Series, Probate, Divorce, Admiralty (1876–1946)
L.J.P.M. & A.	Law Journal Reports, Probate, Matrimonial & Admiralty (1860–1865)
L.J.P. & M.	Law Journal Reports, New Series, Probate & Matrimonial (1858–1875)
L.R. H.L.	Law Reports, House of Lords (1866–1875)
L.R. Ir.	Law Reports, Ireland (1878–1893)
L.R.P. & D.	Law Reports, Probate & Divorce Cases (1865–1875)
L.T./L.T.R.	Law Times Reports (1859–1947)
Lutw.	Lutwyche's Common Pleas Reports
M. & Gr.	Manning & Granger (1840–1844)
M. & K.	Mylne & Keen (1832–1835)
M. & W.	Meeson & Welsby's Exchequer Reports (1836–1847)
Mac. & G.	Macnaghten & Gordon's Chancery Reports (1849–1852)
Madd.	Maddock's Reports (1815–1822)
McCl. & Y.	McClelland & Younge's Exchequer Reports (1824–1825)
Mer.	Merivale's Chancery Reports (1815–1817)
Milw.	Milward's Irish Ecclesiastical Reports

Mod. Rep.	Modern Reports (1669–1732)
Moo. P.C./Moore P.C.	Moore's Privy Council Cases (1836–1862)
My. & Cr.	Mylne & Craig's Chancery Reports (1835–1841)
N.C.	Notes of Cases (1841–1850)
N.I.	Northern Ireland Law Reports (1925 to date)
N.I.Y.B.	Northern Ireland Year Book
N.Z.L.R.	New Zealand Law Reports (1883 to date)
O.R.	Ontario Reports (1823 to date)
P.	Law Reports, Probate (1890 to date)
P. & D.	Law Reports, Probate & Divorce (1865–1875)
P. & M.	Probate & Matrimonial (1858–1875)
P.D.	Law Reports, Probate, Divorce and Admiralty Division (1875–1890)
P. Wms.	Peere Williams' Chancery Reports (1695–1735)
Ph.	Phillips' Chancery Reports
Phill. Ecc. Judg.	Phillimore's Ecclesiastical Judgments (1809–1821)
Phill. Ecc. R.	Phillimore's Ecclesiastical Reports (1809–1821)
Prec. Ch.	Precedents in Chancery (1689–1722)
Q.B./Q.B.D.	Queen's Bench Division (1841 to date) (1875–1890)
Rob./Rob. Eccl.	Robertson's Ecclesiastical Reports (1844–1853)
Rus.	Russell's Chancery Reports (1823–1829)
Russ. & M.	Russell & Mylne's Chancery Reports (1829–1833)
Salk.	Salkeld's King's Bench Reports (1689–1712)
Sch. & Lef.	Schoales & Lefroy (1802–1807)
Sim.	Simons' Vice Chancellor's Reports (1826–1852)
S.J.	Solicitors' Journal (1857 to date)
Sw. & Tr.	Swabey & Tristram's Ecclesiastical Reports (1858–1865)
Taunt.	Taunton's Common Pleas Reports (1807–1819)
T.L.R.	Times Law Reports (1884–1950) (1951 to date)
Turn. & R.	Turner & Russell's Chancery Reports (1822–1825)
Vern.	Vernon's Chancery Reports (1681–1719)
Ves. Jun.	Vesey Junior's Chancery Reports (1754–1817)
Ves. Sen.	Vesey Senior's Chancery Reports (1746–1755)
Wightw.	Wightwick's Exchequer Reports (1810–1811)
W.L.R.	Weekly Law Reports (1953 to date)
W.N.	Weekly Notes (1866–1952)
Y. & C.	Younge & Collyer's Exchequer Reports (1834–1842)
You.	Younge's Exchequer Reports (1830–1832)

## TABLE OF CASES

A.G. v. Sibthorpe 2 Russ. & M. 107 .....	8-14n
Abbott v. Middleton 7 H.L.C. 68 .....	1-06
Abbott, Re, Grieve v. Vaughan [1934] I.R. 189 .....	3-27n, 3-28
Abrahams, Re [1911] 1 Ch. 108 .....	3-32n
Ackerley, Re [1913] 1 Ch. 510 .....	8-04n, 8-09n
Adams v. Lavander (1824) M'Cl. & Y. 41 .....	3-32n
Adams, Re: Bank of Ireland Trustee Company Ltd. v. Adams [1967] I.R. 424 .....	5-02n, 5-03, 5-04, 5-07, 5-08n
Adney v. Field (1787) Amb. 654 .....	8-08n, 8-14n
Agnew v. Belfast Banking Company [1896] 2 I.R. 204 ...	12-03n, 12-07, 12-08
AIB Finance Ltd v. Sligo County Council and Curneen [1995] 1 I.L.R.M. 81 .....	12-05n, 12-17n
Alcock v. Sloper 2 Myl. & K. 699 .....	3-28n
Aleyn v. Belchior 1 Eden 132 .....	8-05n, 8-21n
Allen v. M'Pherson 1 H.L.C. 191 .....	10-28n, 10-29n
Allhusen v. Whittell (1867) L.R. 4 Eq. 295 .....	3-26, 3-30
Amyot v. Dwarris [1904] A.C. 268 .....	6-08n
Andrews v. Partington 3 Bro. Ch. C. 401 .....	7-02n, 7-13n
Annesley Re: Davidson v. Annesley [1926] Ch. 692 .....	5-03n, 5-07n
Armstrong, Re (1893) 31 L.R. 154 .....	11-10n
Arnol, Re, Wainright v. Howlett [1947] Ch. 131 .....	8-17n
Ashton v. Ashton [1894] 3 Ch. 261 .....	10-08n
Aspinall, Re [1961] Ch. 526 .....	3-24n
Atkins v. Hiccocks 1 Atk. 500 .....	6-12n
Atkinson, Re [1942] I.R. 268 .....	3-05n, 3-16-3-19, 6-02, 6-04n, 6-09
Attorney-General for Ireland v. Cullen 14 Ir. C.L.R. 137 (affirmed L.R. 1 H.L. 190) .....	11-16n
Austis, Re 31 Ch. D. 597 .....	8-14n
Ball, In the Goods of 25 L.R. Ir. 556 .....	1-35
Banco Ambrosiano S.P.A. v. Ansbacher and Co. Ltd [1987] I.L.R.M. 669 .....	10-29
Bancroft, Re [1928] Ch. 577 .....	6-06n, 6-07n
Bannon, Re, Callanan v. Ryan (No.2) [1934] I.R. 701 .....	11-11n, 11-15
Barrington v. Tristram (1801) 6 Ves. 345 .....	3-21n
Barry v. Butlin 2 Moo. P.C. 480 .....	10-21n, 10-22n
Bartlett v. Gillard 3 Russ. 149 .....	11-08n
Bateman's Will Trusts [1970] 3 All E.R. 817 .....	11-20
Bater v. Bater [1951] P. 35 .....	10-29n

Baudins v. Richardson [1906] A.C. 169 .....	10-28n
Beamish v. Beamish [1894] 1 I.R. 7 .....	10-21n
Beardsley v. Lacey 78 L.T. 25 .....	1-35
Beatley v. Guggenageim Exploration Co 225 N.Y. 380 (1919) .....	1-11
Beaumont, Re [1902] 1 Ch. 86 .....	12-11n
Beaumont, Re [1902] 1 Ch. 889 .....	12-06
Beckley v. Newland 2 P. Wms. 182 .....	3-06n
Bective v. Hodgson (1864) 10 H.L.C. 656 .....	3-23n
Begley, Deceased, Re: Begley v. McHugh [1939] I.R. 479 .....	10-21, 10-22n, 10-24, 10-27n
Behren v. Halibut 22 LT. Jo. 290 .....	11-25
Beliss, In the Estate of, Polson v. Parrott 45 T.L.R. 452 .....	10-24
Bell v. Park [1914] 1 I.R. 158 .....	3-03n, 3-11, 11-10n
Belshaw v. Rollins [1904] 1 I.R. 284 .....	10-06n
Bemped v. Johnson 3 Ves. 198 .....	5-10n
Bennett v. Bennett unreported, High Court, Parke J., January 24, 1977 .....	1-27, 10-10n
Bentham v. Potterton unreported, High Court, Barr J., May 28, 1998 .....	12-03n, 12-12
Bentley, In the Goods of [1930] I.R. 455 .....	1-04
Bernasconi v. Atkinson 10 Hare 345 .....	4-16n
Berry v. Fisher [1903] 1 I.R. 484 .....	7-08, 9-09
Berry v. Green [1938] A.C. 575 .....	3-23n
Berthan v. Berthan 18 L.T. 301 .....	1-33
Billinghurst v. Vickers 1 Phillim. 187 .....	10-22n
Birch v. Treasury Solicitor [1951] Ch. 298 .....	12-10n, 12-11n
Birley v. Birley 25 Beav. 299 .....	8-22n
Birmingham v. Kirwan (1805) 2 Sch. & Lef. 444 .....	11-04n
Blackhall, In the Estate of unreported, Supreme Court, April 1, 1998 .....	10-24
Blackwell v. Blackwell [1929] A.C. 318 .....	11-17, 11-18, 11-20
Blake's Trusts, Re [1904] 1 I.R. 98 .....	4-03n, 4-16, 4-25n
Blake v. Blake (1817) 575 .....	8-14n
Blake, Re [1955] I.R. 89 .....	6-04n, 6-12n, 6-14
Bland v. Lamb 2 Jac. & W. 399 .....	3-17
Blayney's (Lord) Trust, Re 9 I.R. 413 .....	4-16n, 4-25n
Blewitt v. Roberts Cr. & Ph. 274 .....	3-02n
Bligh v. Hartnoll 23 Ch. D. 218 .....	3-17
Blundell, Re, Blundell v. Blundell [1906] 2 Ch. 222 .....	11-11n
Boddy v. Dawes 1 Keen 362 .....	3-33n
Body, In the Goods of 4 Sw. & Tr. 9 .....	1-35
Boland, Re [1961] I.R. 426 .....	8-04n, 8-09n, 8-10, 8-11, 8-26
Boldington Re, Boldington v. Clariat 25 Ch. D. 685 .....	2-17n, 2-18n, 2-19-2-23, 2-33n



Bonnet, Re, Johnston v. Langfield and Others	
[1983] I.L.R.M. 359	5-04
Bothamley v. Sherson I.R. 20 Eq. 304	3-02n
Bowie v. Liverpool Royal Infirmary [1930] A.C. 588	5-06n
Bowlby, Re [1904] 2 Ch. 685	3-32n
Boyd, Re [1928] N.I. 14	3-08n
Boyd, Re 63 L.T. 92	8-12
Boyes v. Cooke 14 Ch. D. 53	1-14, 1-22
Boyes, Re 26 Ch. D. 531	11-16n
Boyse v. Rossborough 6 H.L.C. 2	10-28n
Bradshaw v. Huish (1889) 43 Ch. D. 260	11-02n, 11-07n
Brake, In the Goods of 6 P.D. 217	4-16n
Brassington, In the Goods of [1902] P. 1	1-35
Breen, In the Goods of: Breen and Kennedy v. Breen and Others unreported, High Court, Barr J., May 5, 1995	10-28
Broadway Cottages Case [1955] 1 Ch. 20	8-18n
Bromley v. Wright 7 Hare 334	4-16n
Brown v. Fisher 63 L.T. 465	10-21n
Brown v. Gregg [1945] I.R. 224	7-09
Brown v. Higgs 8 Ves. 561	8-18n
Brown v. Taylor 1 Burr. 268	3-06n
Browne v. Collins (1871) 12 Eq. 586	3-25n
Browne v. Hope L.R. 14 Eq. 341	10-17n
Browne, Re, Ward v. Lawler [1944] I.R. 90	11-17, 11-20
Bruce v. Bruce L.R. 11 Eq. 371	8-14n
Bruce, Re [1891] 2 Ch. 671	8-12
Brunt v. Brunt L.R. 3 P. & D. 37	1-35
Bryan, In the Estate of [1907] P. 125	1-29, 1-34
Brydges v. Wotton V. & B. 134	6-15
Bull v. Kingston 1 Mer. 134	6-02n, 6-09n
Bunn v. Markham (1816) 7 Taunt. 224	12-09n
Burke, Re [1951] I.R. 216	6-12n, 6-13
Burke, Re; Lynch v. Burke unreported, High Court, McCracken J., July 30, 1999	1-24, 1-28
Burrough v. Philcox 5 My. & Cr. 72	8-17
Burton's Settlement [1955] Ch. 82	8-22n
Butlin's Settlement Trust, Re [1976] 2 All E.R. 483	11-25
Cadell v. Wilcocks [1898] P. 21	1-30
Cadogan, Re: Cadogan v. Palagi 25 Ch. D. 154	2-06
Cahill, Re unreported, High Court, Barr J., January 18, 2001	11-03n
Cahill, Re; Kelly v. Cahill unreported, High Court, January 18, 2001	1-11, 1-12, 11-23, 11-24, 11-25