

# Conflict of Laws

## PRIVATE INTERNATIONAL LAW

*SEVENTH EDITION*

R. H. Graveson

*SWEET & MAXWELL*

# CONFLICT OF LAWS

## PRIVATE INTERNATIONAL LAW

BY

R. H. GRAVESON

C.B.E., Q.C., LL.D., PH.D.(London), LL.D.(Sheffield), S.J.D.(Harvard);

*A Master of the Bench of Gray's Inn;  
Associate of the Institute of International Law;  
Professor of Private International Law in the  
University of London.*

*SEVENTH EDITION*

LONDON

SWEET & MAXWELL

1974

BY THE SAME AUTHOR

Cases on the Conflict of Laws (1949).

(Jointly.) The Conflict of Laws and International Contracts (1951).

Status in the Common Law (1953).

(Jointly.) A Century of Family Law (1957).

The Comparative Evolution of Principles of the Conflict of Laws in England and the U.S.A. (1960).

Comparative Aspects of the General Principles of Private International Law (1963).

(Jointly.) Law: an Outline for the Intending Student (1967).

(Jointly.) The Uniform Laws on International Sales Act 1967 (1968).

(Jointly.) Federalism and Supreme Courts and the Integration of Legal Systems (1973).

Problems of Private International Law in Non-Unified Legal Systems (1975).

|                        |   |   |      |
|------------------------|---|---|------|
| <i>First Edition</i>   | . | . | 1948 |
| <i>Second Edition</i>  | . | . | 1952 |
| <i>Third Edition</i>   | . | . | 1955 |
| <i>Fourth Edition</i>  | . | . | 1960 |
| <i>Fifth Edition</i>   | . | . | 1965 |
| <i>Sixth Edition</i>   | . | . | 1969 |
| <i>Seventh Edition</i> | . | . | 1974 |

*Published in 1974 by  
Sweet & Maxwell Limited of  
11 New Fetter Lane, London  
and printed in Great Britain  
by The Eastern Press Limited  
of London and Reading*

|     |           |     |       |   |
|-----|-----------|-----|-------|---|
| SBN | Hardback  | 421 | 19270 | 4 |
|     | Paperback | 421 | 19280 | 1 |



Sweet & Maxwell Ltd.  
1974

## PREFACE

THIS book was first published a quarter of a century ago. In the years between, no period has seen such important and fundamental changes in the conflict of laws as that since the sixth edition appeared in 1969. Foremost amongst these changes is family law, and most notably the conferment on the married woman of capacity for an independent domicile. Almost as striking is the reform of jurisdiction in matrimonial causes following the ratification of The Hague Convention on the Recognition of Divorces and Legal Separations and the consequential Act of 1971 of that name. The increasing factor of legislation in the conflict of laws, largely inspired by the Law Commission, has been integrated with surprising ease into a predominantly judge-made system. Its most notable effect has been the unprecedented quickening of the law.

Recent years have witnessed a developing and refining of the major principles of this subject by the courts. In both range of innovation and in breadth of judicial approach, English private international law can now justly claim an international appreciation of the subject.

This aspect is reinforced by the accession of the United Kingdom to the European Economic Community and the consequent obligation to negotiate Conventions on various topics relevant to the conflict of laws, including those on bankruptcy and companies. Of this group the most important is the Convention on Jurisdiction and the Enforcement of Judgments, for its acceptance will oblige the United Kingdom to change the basis of its general jurisdiction *in personam* from presence to forensic residence, with many minor consequences. Although these Conventions are not yet part of United Kingdom law, they will become so within the foreseeable future if the United Kingdom remains within the European Community. It seemed appropriate, therefore by way of anticipation, to state in brackets at the appropriate places their likely effect when in force.

Our participation in The Hague Conference of Private International Law and now in the European Economic Community at once gives validity to the term United Kingdom law and greater urgency to the problem of defining the legal unit for the purposes of this subject. But this multiple international involvement carries its own problems; for example, obligations as a member of the EEC are not necessarily compatible with those as a member of The Hague Conference of Private International Law, so that those Hague Conference members outside the EEC, such as Australia, Canada and the United States, whose common law and common language we sought hard to bring into a largely French-speaking civil law body, may well find their position prejudiced by the

special régime of the total EEC membership in The Hague Conference. However, the present time is not simply one of problems, but of exciting change; and those whose duty or interest leads them to this subject may well play a part in formulating its future. For them we offer two new ideas in this edition. They are the relativity of permanence in the fact of intention in domicile of choice (p. 202) and the third element of dimension, beyond those of space and time, of evolutionary depth of juridical suitability of the applicable law.

This book, originally written for students, has gradually evolved into a text of general use for those in practice, public office or commerce as well as for those in Universities and similar institutions. Some 300 pages of this edition have been wholly or partly re-written. Apart from general revision and some rearrangement (for example, the topic of evasion of the law has now been incorporated into Chapter 5 on the limits of application of foreign law), substantial re-writing has taken place on the domicile of married women and minors, adoption, the proper law of contract, the applicable law in tort and jurisdiction in matrimonial causes. For its possible academic interest, a comparison has been included of the Recognition of Divorces and Legal Separations Act 1971 with The Hague Convention on the Recognition of Divorces and Legal Separations which the Act carries into effect in the United Kingdom while the transitional problem of the recognition of decrees of annulment of marriage has been reconsidered in the light of that Act. We discuss the position of the law of the European Economic Community in this subject, and refer throughout the text wherever the Community Conventions may eventually become relevant.

My friends, Dr. M. E. Bathurst, Q.C. and Dr. E. J. Cohn, LL.D., both Honorary Visiting Professors of King's College, London, have helped me to avoid some errors, but those that remain are my own. My daughter, Miss Diana Graveson, LL.M., of Gray's Inn, Barrister-at-Law, undertook the essential but unattractive task of preparing a complete new index and revising the tables of cases and statutes. Her suggestions for improving the text have been most welcome. My publishers have been particularly patient and helpful in the face of printing delays which compelled me to update the completed manuscript by seven months. I offer my sincere and grateful thanks to them all. I have tried to state English law as it stands at July 1, 1974, and so far as European law is concerned, as our law will probably stand if the United Kingdom ratifies the European Judgments Convention.

R. H. G.

5 New Square,  
Lincoln's Inn,  
July 10, 1974

## TABLE OF CASES

[The facts or a discussion of cases will be found on pages printed in heavier type.]

|                                                                                                                             |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| A. (AN INFANT), <i>Re</i> [1963] 1 W.L.R. 231 .....                                                                         | <b>381</b>                                                                   |
| A. (Infants), <i>Re</i> [1970] 1 Ch. 665; [1970] 3 W.L.R. 142; 114 S.J. 415 .....                                           | <b>379</b>                                                                   |
| Abate v. Abate [1961] P. 29 .....                                                                                           | 338                                                                          |
| Abbott v. Abbott (1860) 29 L.J.P. & M. 57 .....                                                                             | 604                                                                          |
| Abbott-Smith v. Governors of the University of Toronto (1963) 40 D.L.R. (2d) 62 .....                                       | 577                                                                          |
| Abd-ul-Messih v. Farra (1888) 13 App.Cas. 431 .....                                                                         | 205                                                                          |
| Abdul Manan, <i>Re</i> [1971] 1 W.L.R. 859; 115 S.J. 289; [1971] 2 All E.R. 1016 .....                                      | 284                                                                          |
| Abodi-Mendi, <i>The</i> [1939] P. 178 .....                                                                                 | 177                                                                          |
| Abouloff v. Oppenheimer (1882) 10 Q.B.D. 295 .....                                                                          | 552, <b>631</b>                                                              |
| Abraham v. Att.-Gen. [1934] P. 17 .....                                                                                     | 376                                                                          |
| Achilopoulos, <i>Re</i> [1928] 1 Ch. 433 .....                                                                              | 67, 511, 516                                                                 |
| Acrow (Automation) Ltd. v. Rex Chainbelt Inc. [1971] 1 W.L.R. 1676; 115 S.J. 642; [1971] 3 All E.R. 1175 .....              | 114                                                                          |
| Adams v. Adams [1971] P. 188 .....                                                                                          | <b>620</b>                                                                   |
| — v. National Bank of Greece [1958] 2 Q.B. 59; affirmed [1960] 1 Q.B. 64; reversed [1961] A.C. 255; [1960] 3 W.L.R. 8 ..... | 223, <b>234</b> , 433, 490, 518, 566, 574                                    |
| Addison v. Brown [1954] 1 W.L.R. 779 .....                                                                                  | 165, <b>166</b>                                                              |
| Adedigba, <i>Ex p.</i> (1967) 117 New L.J. 731 .....                                                                        | 377                                                                          |
| Adoption Application 52/1951, <i>Re</i> [1952] Ch. 16 .....                                                                 | 380                                                                          |
| Aganoor's Trusts, <i>Re</i> (1895) 64 L.J.Ch. 521 .....                                                                     | 518, <b>533</b> , 574                                                        |
| Agbor v. Metropolitan Police Commissioner [1969] 1 W.L.R. 703; 113 S.J. 227; [1969] 2 All E.R. 707, C.A. ....               | 159                                                                          |
| Agnew v. Usher (1884) 14 Q.B.D. 78 .....                                                                                    | 120                                                                          |
| Albeko Schumaschinen v. Kamborian Shoe Machine Co. (1961) 111 L.J. 519 .....                                                | 432                                                                          |
| Alberti, <i>In the Estate of</i> [1955] 1 W.L.R. 1240 .....                                                                 | <b>499</b>                                                                   |
| Alcock v. Smith [1892] 1 Ch. 238 .....                                                                                      | 448, <b>460</b> , 468                                                        |
| Aldrich v. Att.-Gen. [1968] 2 W.L.R. 413 .....                                                                              | 376, 510                                                                     |
| Alexander, <i>In the Goods of</i> (1860) 29 L.J.P. 93 .....                                                                 | 505                                                                          |
| Alhaji Mohamed v. Knott [1969] 1 Q.B. 1 .....                                                                               | <b>246</b> , 258                                                             |
| Ali v. Ali [1966] 2 W.L.R. 620 .....                                                                                        | 18, <b>243</b> , <b>248</b>                                                  |
| Allen's Estate, <i>Re</i> [1945] 2 All E.R. 264 .....                                                                       | 496, <b>523</b> , 524                                                        |
| Alves v. Hodgson (1797) 7 T.R. 241 .....                                                                                    | <b>441</b>                                                                   |
| American Surety Co. v. Wrightson (1911) 103 L.T. 663 .....                                                                  | 614                                                                          |
| Anchor Line, <i>Re</i> [1937] Ch. 483 .....                                                                                 | 140                                                                          |
| Anderson, <i>Re</i> [1911] 1 K.B. 896 .....                                                                                 | 549, 555                                                                     |
| — v. Equitable Assurance Society of the U.S. (1926) 134 L.T. 557 .....                                                      | 442                                                                          |
| — v. Eric Anderson Radio & T.V. Ltd. (1965-1966) 39 A.L.J.R. 357 .....                                                      | 570                                                                          |
| Andrews v. Andrews and Sullivan [1958] P. 217 .....                                                                         | 34                                                                           |
| Andrews (Infants), <i>Re</i> [1958] Ch. 665 .....                                                                           | 34                                                                           |
| Andros, <i>Re</i> (1883) 24 Ch.D. 637 .....                                                                                 | 234, <b>371</b> , 376, 386                                                   |
| Angelo v. Angelo [1968] 1 W.L.R. 401 .....                                                                                  | <b>317</b>                                                                   |
| Anglo-Iranian Oil Co. v. Jaffrate [1953] 1 W.L.R. 246 .....                                                                 | 176                                                                          |
| Annaberg, <i>The</i> (1916) 2 B. & C.P.C. 241 .....                                                                         | 221                                                                          |
| Annesley, <i>Re</i> [1926] Ch. 709 .....                                                                                    | 66, <b>69</b> , 70, 74, 192, 206                                             |
| Anonymous (1611) 123 Eng.Rep. 786, 789 .....                                                                                | 34                                                                           |
| Anstruther v. Chalmers (1826) 2 Sim. 1 .....                                                                                | 498                                                                          |
| Anziani, <i>Re</i> [1930] 1 Ch. 407 .....                                                                                   | 458, <b>478</b>                                                              |
| Apt v. Apt [1947] P. 127; [1948] P. 83 .....                                                                                | 55, 251, 255, 269                                                            |
| Arab Bank v. Barclays Bank [1954] A.C. 495 .....                                                                            | 49, <b>168</b> , <b>437</b> , 472                                            |
| Archer-Shee v. Garland [1931] A.C. 212 .....                                                                                | 472                                                                          |
| Armitage v. Att.-Gen. [1906] P. 135 .....                                                                                   | 17, <b>68</b> , 75, <b>299</b> , 303, 305, 306, 310, 316, 317, 338, 339, 616 |
| Armstrong v. Armstrong [1892] P. 98 .....                                                                                   | 145                                                                          |
| Armtyage v. Armytage [1898] P. 178 .....                                                                                    | 346, 348                                                                     |
| Arnold v. Arnold [1957] P. 237 .....                                                                                        | 218, 308                                                                     |
| Artola Hermanos, <i>Re</i> (1890) 24 Q.B.D. 640 .....                                                                       | <b>546</b> , <b>547</b> , 548, 556                                           |
| Askew, <i>Re</i> [1930] 2 Ch. 259 .....                                                                                     | 66, <b>70</b> , 71, 75, 374, 376                                             |

|                                                                                                                            |                                        |
|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Assunzione, <i>The</i> [1954] P. 150 .....                                                                                 | 411, 412, 415, 416, 429, 431           |
| Astell v. Lapage (1851) 5 De G. & S. 95 .....                                                                              | 144                                    |
| Athanassiadis v. Gvmt. of Greece [1971] A.C. 282; [1969] 3 W.L.R. 554n.;<br>133 J.P. 577 .....                             | 633                                    |
| Athenée, <i>The</i> (1922) 11 L.L.R. 6 .....                                                                               | 116, 412                               |
| Atlantic Star, <i>The</i> [1973] Q.B. 364; [1972] 3 W.L.R. 746; [1972] 2 Lloyd's<br>Rep. 446, C.A. ....                    | 144, 145, 148, 150                     |
| Att.-Gen. v. Bouwens (1838) 4 M. & W. 171 .....                                                                            | 471, 472                               |
| — v. Campbell (1872) 41 L.J.Ch. 611 .....                                                                                  | 538                                    |
| — v. City of London (1790) 3 Bro.C.C. 171 .....                                                                            | 539                                    |
| — v. Mills (1827) 3 Russ. 328 .....                                                                                        | 493                                    |
| — v. Yule and Mercantile Bank of India (1931) 145 L.T. 9, 11 .....                                                         | 189                                    |
| Att.-Gen. for Alberta v. Cook [1926] A.C. 444 .....                                                                        | 186, 217                               |
| Att.-Gen. of Ceylon v. Reid [1965] A.C. 720 .....                                                                          | 19, 243, 249                           |
| Azoff-Don Commercial Bank, <i>Re</i> [1954] Ch. 315 .....                                                                  | 560                                    |
|                                                                                                                            |                                        |
| B. (S.) (AN INFANT), <i>Re</i> [1968] Ch. 204 .....                                                                        | 382                                    |
| B.'s Settlement, <i>Re</i> [1940] Ch. 54 .....                                                                             | 383, 389, 390                          |
| Baarn, <i>The</i> [1933] P. 251 .....                                                                                      | 614                                    |
| Babcock v. Jackson, 191 N.E. 2d 279 (1963) .....                                                                           | 568, 578                               |
| Baccus S.R.L. v. Servicio Nacional del Trigo [1957] 1 Q.B. 438 .....                                                       | 155, 159                               |
| Baillet v. Baillet (1901) 84 L.T. 272 .....                                                                                | 279                                    |
| Bain v. Whitehaven Ry. (1850) 3 H.L.C. 1 .....                                                                             | 601                                    |
| Baindail v. Baindail [1946] P. 122 .....                                                                                   | 237, 238, 244, 245, 274, 280, 327, 402 |
| Baird v. Prescott (1890) 6 T.L.R. 231 .....                                                                                | 144                                    |
| Baker v. Baker (1945) A.D. 708 (S.A.) .....                                                                                | 204                                    |
| Bambose v. Daniel [1955] A.C. 107 .....                                                                                    | 365, 368                               |
| Banco de Portugal v. Waddell (1880) 5 App.Cas. 161 .....                                                                   | 553, 554                               |
| Banco de Vizcaya v. Don Alfonso [1935] 1 K.B. 140 .....                                                                    | 176, 177                               |
| Bank of Africa v. Cohen [1909] 2 Ch. 129 .....                                                                             | 139, 404, 416                          |
| Bank of Augusta v. Earle, 13 Peters 519 (1839) .....                                                                       | 11                                     |
| Bank of Australasia v. Harding (1850) 9 C.B. 661 .....                                                                     | 618                                    |
| Bank Polski v. Mulder & Co. [1942] 1 K.B. 497 .....                                                                        | 448                                    |
| Bank voor Handel v. Slatford [1953] 1 Q.B. 248 .....                                                                       | 152, 166, 223, 459, 463, 464           |
| Bankers & Shippers Insurance Co. of New York v. Liverpool Marine &<br>General Insurance Co. Ltd. (1926) 24 L.L.R. 85 ..... | 606                                    |
| Bankes, <i>Re</i> [1902] 2 Ch. 333 .....                                                                                   | 356, 358, 533                          |
| Banque des Marchands de Moscou (Koupetschesky), <i>Re</i> [1952] 1 All E.R.<br>1269 .....                                  | 49, 50, 176, 404, 565                  |
| —, <i>Re</i> (No. 2) [1954] 1 W.L.R. 1108 .....                                                                            | 565                                    |
| —, <i>Re</i> (No. 3) [1958] 1 Ch. 182 .....                                                                                | 565, 607                               |
| — v. Kindersley [1951] Ch. 112 .....                                                                                       | 560                                    |
| Banque Internationale de Commerce v. Goukassow [1923] 2 K.B. 682;<br>[1925] A.C. 150 .....                                 | 564, 599                               |
| Barber v. Lamb (1860) 8 C.B.(n.s.) 95 .....                                                                                | 598                                    |
| Barclay's Bank v. Arnold, <i>The Times</i> , July 18, 1973 .....                                                           | 629                                    |
| Bariatinski, <i>Re</i> (1843) 1 Ph. 375 .....                                                                              | 392                                    |
| Barnett's Trusts, <i>Re</i> [1902] 1 Ch. 847 .....                                                                         | 526                                    |
| Baroda (Maharanees of) v. Wildenstein [1972] 2 Q.B. 283 .....                                                              | 112                                    |
| Barretto v. Young [1900] 2 Ch. 339 .....                                                                                   | 505, 506                               |
| Baschet v. London Illustrated Standard Co. [1900] 1 Ch. 73 .....                                                           | 610                                    |
| Bata v. Bata [1948] W.N. 366 .....                                                                                         | 576                                    |
| Bater v. Bater [1906] P. 209 .....                                                                                         | 620                                    |
| Batthyany v. Walford (1887) 36 Ch.D. 269 .....                                                                             | 60                                     |
| Beatty v. Beatty [1924] 1 K.B. 807 .....                                                                                   | 627, 628                               |
| Beaumont, <i>Re</i> (1893) 3 Ch. 490 .....                                                                                 | 209, 378                               |
| Bell v. Kennedy (1868) L.R. 1 Sc. & D. 307 .....                                                                           | 188, 200, 201                          |
| Belshah, <i>Re, The Times</i> , Dec. 16 & 18, 1926, Jan. 14 & 18, 1927 .....                                               | 246                                    |
| Bempde v. Johnstone (1796) 3 Ves.Jun. 201 .....                                                                            | 201                                    |
| Bennett v. Bennett [1952] 1 K.B. 249 .....                                                                                 | 166                                    |
| Berchold, <i>Re</i> [1923] 1 Ch. 192 .....                                                                                 | 47, 48, 531                            |
| Berliner Industriebank v. Jost [1971] 1 Q.B. 278; [1971] 3 W.L.R. 61; 115<br>S.J. 505 .....                                | 627                                    |
| Bethell, <i>Re</i> (1888) 38 Ch.D. 220 .....                                                                               | 242, 273                               |
| Bettinson's Question, <i>Re</i> [1956] Ch. 67 .....                                                                        | 358                                    |
| Bird v. Randall (1762) 3 Burr. 1345 .....                                                                                  | 598                                    |

|                                                                                                      |                                             |
|------------------------------------------------------------------------------------------------------|---------------------------------------------|
| Birtwhistle v. Vardill (1826) 5 B. & C. 438 .....                                                    | 235, 361, 365                               |
| Bischoffsheim, <i>Re</i> [1948] Ch. 79 .....                                                         | 274, 363, 364, 367, 368, 376, 519           |
| Black-Clawson International Ltd. v. Papierwerke Waldhof-Aschaffenburg A.G. [1974] 2 W.L.R. 789 ..... | 76, 597                                     |
| Blackmer v. U.S., 284 U.S. 421 (1932) .....                                                          | 82                                          |
| Blankard v. Galdy (1693) 2 Salk. 411 .....                                                           | 272                                         |
| Bliithman, <i>Re</i> (1858) L.R. 2 Eq. 23 .....                                                      | 555                                         |
| Blohn v. Desser [1962] 2 Q.B. 116 .....                                                              | 622, 623, 624                               |
| Bloxham v. Favre (1884) L.R. 9 P.D. 130 .....                                                        | 345, 490                                    |
| Boettcher v. Boettcher [1949] W.N. 83 .....                                                          | 175, 633                                    |
| Boissevain v. Weil [1949] 1 K.B. 482; [1950] A.C. 327 .....                                          | 92, 97, 180, 181, 408, 434, 622             |
| Boldrini v. Boldrini [1932] P. 9 .....                                                               | 199, 204                                    |
| Bonacina, <i>Re</i> [1912] 2 Ch. 394 .....                                                           | 39, 47, 165, 400                            |
| Bonaparte, <i>Re</i> (1853) 2 Rob.Ecc.Reps. 606 .....                                                | 203                                         |
| — v. Bonaparte [1892] P. 402 .....                                                                   | 630                                         |
| Bonelli, <i>In the Goods of</i> (1875) L.R. 1 P.D. 69 .....                                          | 605                                         |
| Bonython v. Commonwealth of Australia [1951] A.C. 201 .....                                          | 409, 412, 421, 429                          |
| Bowman v. Reeve (1721) Prec.Ch. 577 .....                                                            | 522                                         |
| Bowling v. Cox [1926] A.C. 751 .....                                                                 | 126, 550                                    |
| Boyle v. Sacker (1888) 39 Ch.D. 249 .....                                                            | 115                                         |
| Boys v. Chaplin [1968] 2 Q.B. 1; [1968] 2 W.L.R. 328 .....                                           | 568, 572, 573, 577, 580-582, 612, 613       |
| Bozelli, <i>Re</i> [1902] 1 Ch. 751 .....                                                            | 265                                         |
| Brabo, <i>The</i> [1949] A.C. 326 .....                                                              | 129                                         |
| Bradby, <i>Re</i> [1955] 3 All E.R. 732 .....                                                        | 499                                         |
| Bradford v. Young (1884) 54 L.J.Ch. 368 .....                                                        | 498                                         |
| Brailey v. Rhodesia Consolidated Ltd. [1910] 2 Ch. 95 .....                                          | 605                                         |
| Breen v. Breen [1964] P. 144 .....                                                                   | 82, 305                                     |
| Breiss v. Woolley [1954] A.C. 333 .....                                                              | 576                                         |
| Bremer v. Freeman (1857) 10 Moo.P.C. 306 .....                                                       | 66, 487, 488, 606                           |
| Bridger, <i>Re</i> [1894] 1 Ch. 297 .....                                                            | 494                                         |
| Briesemann, <i>In the Goods of</i> [1894] P. 260 .....                                               | 512                                         |
| Brinkley v. Att.-Gen. (1890) L.R. 15 P.D. 76 .....                                                   | 242, 269                                    |
| Bristow v. Sequeville (1850) 5 Ex. 275 .....                                                         | 441, 605                                    |
| British Controlled Oilfields v. Stagg (1921) 66 S.J.(W.R.) 18 .....                                  | 124, 406, 409                               |
| British Linen Co. v. Drummond (1830) 10 B. & C. 903 .....                                            | 590, 637, 638                               |
| British Nylon Spinners v. I.C.I. Ltd. [1955] Ch. 37 .....                                            | 167, 437, 621                               |
| British South Africa Co. v. Companhia de Mocambique [1893] A.C. 602 .....                            | 114, 135, 136, 142, 570                     |
| — v. De Beers, etc. [1910] 2 Ch. 502 .....                                                           | 137, 139, 410                               |
| Brodie v. Barry (1813) Ves. & B. 127 .....                                                           | 521, 524                                    |
| Brokaw v. Seatrain U.K. Ltd. [1971] 2 Q.B. 476 .....                                                 | 179                                         |
| Brook v. Brook (1861) 9 H.L.C. 193 .....                                                             | 171, 181, 254, 257, 259, 263, 265, 267, 268 |
| Brown v. Brown [1968] 2 W.L.R. 969 .....                                                             | 308, 317, 346                               |
| — v. Gregson [1920] A.C. 860 .....                                                                   | 525                                         |
| Bruce v. Bruce (1790) 6 Bro.P.C. 566 .....                                                           | 518                                         |
| Buchanan v. Rucker (1808) 9 East 192 .....                                                           | 83                                          |
| Buck v. Att.-Gen. [1965] 1 Ch. 745 .....                                                             | 85, 603                                     |
| Buckridge v. Hall [1963] 1 Q.B. 614 .....                                                            | 377, 378, 604                               |
| Buckland v. Buckland [1968] P. 296; [1967] 2 W.L.R. 1506; 111 S.J. 456 ...                           | 252, 253                                    |
| Buckle v. Buckle [1956] P. 181 .....                                                                 | 178, 261, 288                               |
| Buerger v. New York Life Ass. Co. (1927) 43 T.L.R. 601 .....                                         | 604, 606                                    |
| Buller v. Harrison (1777) 2 Cowp. 565 .....                                                          | 160                                         |
| Bullock v. Caird (1875) 10 Q.B.D. 276 .....                                                          | 600                                         |
| Bullock-Webster, <i>Re</i> [1936] Ch. 1 .....                                                        | 90                                          |
| Burbidge, <i>Re</i> [1902] 1 Ch. 426 .....                                                           | 392                                         |
| Burland's Trade Mark, <i>Re</i> (1889) 41 Ch.D. 542 .....                                            | 128                                         |
| Burn v. Farrar (1879) 2 Hagg.Cons. 369 .....                                                         | 276                                         |
| Bushby v. Munday (1821) 5 Madd. 2970 .....                                                           | 148                                         |
| Butler Gas and Oil Co. v. Hammer [1971] 3 All E.R. 1025 .....                                        | 128                                         |
| C. (AN INFANT), <i>Re</i> [1959] 1 Ch. 363 .....                                                     | 153, 156                                    |
| Caldwell v. Van Vlissingen (1851) 9 Hare 415 .....                                                   | 38                                          |
| Callwood v. Callwood [1960] A.C. 659 .....                                                           | 520-521, 606                                |

|                                                                                                                                        |                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| Calvin's Case (1608) 7 Rep. 2a .....                                                                                                   | 34                                                 |
| Camille and Henry Dreyfus Foundation, Inc. v. I.R.C. [1956] A.C. 39 .....                                                              | 537                                                |
| Cammell v. Cammell [1965] P. 467 .....                                                                                                 | 109, 289                                           |
| — v. Sewell (1858) 3 H. & N. 617; on appeal (1860) 5 H. & N. 728 ...                                                                   | 458, 464, 465, 468, 552, 624                       |
| Campbell v. Hall (1774) Comp. 204 .....                                                                                                | 272                                                |
| Campbell Connelly & Co. v. Noble [1963] 1 W.L.R. 252 .....                                                                             | 477                                                |
| Carl Zeiss Stiftung v. Rayner and Keeler [1965] 2 W.L.R. 277; [1964] 3 W.L.R. 905 .....                                                | 3, 156                                             |
| — v. — (No. 2) [1967] 1 A.C. 853 .....                                                                                                 | 8, 597–598, 599, 606                               |
| — v. — (No. 3) [1970] Ch. 506; [1970] R.P.C. 139 .....                                                                                 | 222, 597, 598                                      |
| Carr v. Carr [1955] 1 W.L.R. 422 .....                                                                                                 | 306                                                |
| — v. Francis Times & Co. [1902] A.C. 176 .....                                                                                         | 569                                                |
| Carrick v. Hancock (1895) 12 T.L.R. 59 .....                                                                                           | 621                                                |
| Casdagli v. Casdagli [1918] P. 89 .....                                                                                                | 71, 75                                             |
| — v. — [1919] A.C. 145 .....                                                                                                           | 192, 205                                           |
| Casey v. Casey [1949] P. 420 .....                                                                                                     | 257, 266, 267, 341, 342, 343                       |
| Castrique v. Imrie (1870) L.R. 4 H.L. 414 .....                                                                                        | 465, 624, 629                                      |
| Catterall v. Catterall (1847) 1 Rob.Ecc. 580 .....                                                                                     | 272, 273                                           |
| Celia (S.S.) v. Volturmo (S.S.) [1921] 2 A.C. 544 .....                                                                                | 614                                                |
| Cesena Sulphur Co. v. Nicholson (1876) 1 Ex.D. 428 .....                                                                               | 224                                                |
| Chamber's Case (1709) 8 Mod. 144 .....                                                                                                 | 91                                                 |
| Chapman v. Cottrell (1865) 3 H. & C. 865 .....                                                                                         | 451                                                |
| Chappelle v. Chappelle [1950] P. 134 .....                                                                                             | 20, 261, 334, 335                                  |
| Charkieh, The (1873) L.R. 4 A. & E. 59 .....                                                                                           | 153, 159, 160                                      |
| Charron v. Montreal Trust Co. (1958) 15 D.L.R. (2d) 240 .....                                                                          | 404                                                |
| Chartered Mercantile Bank of India v. Netherlands Steam Co. (1883) 10 Q.B.D. 521 .....                                                 | 585                                                |
| Chatenay v. Brazilian Telegraph Co. [1891] 1 Q.B. 79 .....                                                                             | 416                                                |
| Chavasse, <i>Ex p.</i> (1865) 4 De G.J. & S. 655 .....                                                                                 | 167                                                |
| Cheang Tye Phin v. Tan Ah Loy [1920] A.C. 369 .....                                                                                    | 245, 365                                           |
| Cheni v. Cheni [1963] 2 W.L.R. 17 .....                                                                                                | 10, 18, 19, 237, 243, 247, 248, 250, 257, 258, 263 |
| Chesham, Lord, <i>Re</i> (1886) 31 Ch.D. 466 .....                                                                                     | 525                                                |
| Chesterman's Trusts, <i>Re</i> [1923] 2 Ch. 466 .....                                                                                  | 442                                                |
| Chetti v. Chetti [1909] P. 67 .....                                                                                                    | 177, 261, 262, 263                                 |
| Chirwell v. Carlyon (1897) 14 S.C. 61 .....                                                                                            | 357                                                |
| Coast Lines Ltd. v. Hudig and Veder Chartering N.V. [1972] 2 Q.B. 34; [1972] 2 W.L.R. 280; (1971) 116 S.J. 119 .....                   | 124, 413                                           |
| Cohen v. Rothfield [1919] 1 K.B. 410 .....                                                                                             | 147, 148                                           |
| Cohn, <i>Re</i> [1945] Ch. 5 .....                                                                                                     | 11, 52, 55, 60, 73, 74, 602, 632                   |
| Coleman v. Shang [1961] A.C. 481 .....                                                                                                 | 246, 365                                           |
| Collco Dealings v. I.R.C. [1962] A.C. 1 .....                                                                                          | 9, 83, 89, 173                                     |
| Collett v. Collett [1967] 3 W.L.R. 280 .....                                                                                           | 277                                                |
| Collier v. Rivaz (1841) 2 Curt. 855 .....                                                                                              | 67, 68, 69, 71                                     |
| Collins v. Att.-Gen. (1931) 47 T.L.R. 484 .....                                                                                        | 373, 374                                           |
| Collister v. Collister [1972] 1 W.L.R. 54; (1971) 115 S.J. 869; [1972] 1 All E.R. 334, D.C. .....                                      | 350                                                |
| Colmenares v. Imperial Life Assurance Co. of Canada (1966) 54 D.L.R. (2d) 386; (1967) D.L.R. (2d) 138 .....                            | 409                                                |
| Colonial Bishoppries Fund, <i>Re</i> [1935] Ch. 148 .....                                                                              | 138, 539                                           |
| Colorado, The [1923] P. 102 .....                                                                                                      | 51, 604, 610                                       |
| Colquhoun v. Heddon, L.R. 25 Q.B.D. 129 .....                                                                                          | 345                                                |
| Colquitt v. Colquitt [1948] P. 19 .....                                                                                                | 369                                                |
| Colt Industries Inc. v. Sarlie [1966] 1 W.L.R. 440 .....                                                                               | 111                                                |
| Colville, <i>Re</i> [1932] 1 D.L.R. 47 .....                                                                                           | 490                                                |
| Commercial Bank of India, <i>Re</i> (1868) L.R. 6 Eq. 517 .....                                                                        | 560, 564                                           |
| Commissioners of I.R. v. Muller & Co. [1901] A.C. 217 .....                                                                            | 470, 471                                           |
| Commonwealth v. Aves, 18 Pick. 193 (1836) .....                                                                                        | 236                                                |
| Compania Colombiana de Seguros v. Pacific Steam Navigation Co. [1965] 1 Q.B. 101 .....                                                 | 470, 477                                           |
| Compagnie d'Armement Maritime S.A. v. Compagnie Tunisienne de Navigation S.A. [1971] A.C. 572; [1970] 3 W.L.R. 389; 114 S.J. 618 ..... | 418, 419–428, 430                                  |
| Compania Merabello San Nicholas S.A., <i>Re</i> [1973] Ch. 75 .....                                                                    | 560, 561                                           |
| Compania Naviera Vascongada v. S.S. Cristina [1938] A.C. 485 .....                                                                     | 155, 159                                           |
| Compton v. Bearcroft (1768) 2 Hagg.Cons. 444 .....                                                                                     | 171, 270                                           |
| Concha v. Murrieta (1889) L.R. 40 Ch.D. 543 .....                                                                                      | 606                                                |

|                                                                                                            |                                                                                  |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Conk v. Conk [1945] 2 All E.R. 545 .....                                                                   | 204                                                                              |
| Connolly Bros., <i>Re</i> [1911] 1 Ch. 731 .....                                                           | 145                                                                              |
| Contract & Trading Co. v. Barbey [1960] A.C. 244 .....                                                     | 434, 449                                                                         |
| Cook v. Gregson (1854) 2 Drew. 286 .....                                                                   | 609                                                                              |
| Cooke v. Chas. A. Vogeler & Co. [1901] A.C. 102 .....                                                      | 544                                                                              |
| Cooke's Trusts, <i>Re</i> (1887) 56 L.T. 737 .....                                                         | 209, 216, 356                                                                    |
| Cooper v. Cooper (1888) 13 App.Cas. 88 .....                                                               | 356, 402, 403, 604                                                               |
| Copin v. Adamson (1875) L.R. 1 Ex.D. 17 .....                                                              | 114, 622                                                                         |
| Corbett v. Corbett [1957] 1 W.L.R. 486 .....                                                               | 336                                                                              |
| Cordova Land Co. v. Black Diamond Steamship Corporation [1966] 1<br>W.L.R. 793 .....                       | 127, 576                                                                         |
| Cordova Land Co. Ltd. v. Victor Brothers Inc. [1966] 1 W.L.R. 793 ...                                      | 118, 119, 125                                                                    |
| Cowan v. O'Connor (1888) 20 Q.B.D. 640 .....                                                               | 415, 440                                                                         |
| Cox v. Army Council [1963] A.C. 48 .....                                                                   | 92                                                                               |
| Craignish, <i>Re</i> [1892] 3 Ch. 180 .....                                                                | 202                                                                              |
| Cranstoun v. Johnston (1796) 3 Ces. 170 .....                                                              | 140                                                                              |
| Craven's Estate, <i>Re</i> [1937] Ch. 423 .....                                                            | 54, 469                                                                          |
| Crispin, <i>Ex p.</i> (1873) L.R. 8 Ch. 374 .....                                                          | 545                                                                              |
| Cristina, <i>The</i> [1938] A.C. 485 .....                                                                 | 176, 177                                                                         |
| Crowe v. Crowe [1937] 2 All E.R. 723 .....                                                                 | 165, 175                                                                         |
| Cruickshanks v. Cruickshanks [1957] 1 W.L.R. 564 .....                                                     | 204                                                                              |
| Cruise v. Chittum, <i>The Times</i> , March 15, 1974 .....                                                 | 194                                                                              |
| Cuban Atlantic Sugar Sales Corporation v. Compania de Vapores San<br>Eleferio Lda. [1960] 1 Q.B. 187 ..... | 125, 126                                                                         |
| Cummings v. London Bullion Co. Ltd. [1952] 1 K.B. 327 .....                                                | 434, 628                                                                         |
| Cunnington, <i>Re</i> [1924] 1 Ch. 68 .....                                                                | 597                                                                              |
| Cutcliffe's Will Trusts, <i>Re</i> [1940] Ch. 565 .....                                                    | 48                                                                               |
| Cutts v. Najdrowski, 123 N.J.Eq. 481 (1938) .....                                                          | 529                                                                              |
|                                                                                                            |                                                                                  |
| D. (AN INFANT), <i>Re</i> [1943] 1 Ch. 305 .....                                                           | 390                                                                              |
| Daarnhouwer & Co. Handelsmaatschappij v. Boulos [1968] 2 Lloyd's Rep.<br>259 .....                         | 115                                                                              |
| Daimler Tyre Co. v. Continental Tyre Co. [1916] 2 A.C. 307 .....                                           | 152, 223                                                                         |
| D'Almeida Araujo v. Sir Frederick Becker & Co. [1953] 2 Q.B. 329 .....                                     | 432, 611                                                                         |
| Dalrymple v. Dalrymple (1811) 2 Hagg.Cons. 54 .....                                                        | 256                                                                              |
| Davidson's Settlement, <i>Re</i> (1873) L.R. 15 Eq. 383 .....                                              | 555                                                                              |
| De Beeche v. South American Stores [1935] A.C. 148 .....                                                   | 434, 605                                                                         |
| De Beers Consolidated Mines v. Howe [1906] A.C. 455 .....                                                  | 224                                                                              |
| De Bonneval v. De Bonneval (1838) 1 Curt. 856 .....                                                        | 203                                                                              |
| Debtor, A, <i>Re</i> (1922) [1922] 2 Ch. 470 .....                                                         | 546                                                                              |
| —, <i>Re</i> (1948) [1948] 2 All E.R. 533 .....                                                            | 11                                                                               |
| Debtors, <i>Re</i> (1936) [1936] Ch. 622 .....                                                             | 544                                                                              |
| D'Huart v. Harkness (1865) 34 Beav. 324 .....                                                              | 505                                                                              |
| De La Vega v. Vianna (1830) 1 B. & Ald. 284 .....                                                          | 590, 592, 615                                                                    |
| De Lizardi v. Chaize (1862) Journal du Palais, 427 .....                                                   | 403                                                                              |
| Delta, <i>The</i> (1876) L.R. 1 P.D. 393 .....                                                             | 148                                                                              |
| De Massa v. De Massa [1939] 2 All E.R. 150 .....                                                           | 333                                                                              |
| De Montaigne v. De Montaigne [1913] P. 154 .....                                                           | 217                                                                              |
| De Nicols, <i>Re</i> [1900] 2 Ch. 410 .....                                                                | 356                                                                              |
| — v. Curlier [1900] A.C. 21 .....                                                                          | 51, 359, 360, 400, 533                                                           |
| De Reneville v. De Reneville [1948] P. 100; affirming [1947] P. 186 ...                                    | 15, 53, 78, 215, 254, 255, 257, 266, 267, 325, 338, 339, 341, 342, 592, 604, 623 |
| Derry v. Peek (1889) 14 App.Cas. 337 .....                                                                 | 140                                                                              |
| Deschamps v. Miller [1908] 1 Ch. 856 .....                                                                 | 137, 141                                                                         |
| Deutsche Bank and Disconto Gesellschaft v. Banque des Marchands de<br>Moscou (1931) 107 L.J.K.B. 386 ..... | 50, 472                                                                          |
| Deveze, <i>Re</i> (1873) L.R. 9 Ch.App. 27 .....                                                           | 451                                                                              |
| Devos v. Devos (1970) 10 D.L.R. (3d) 603, Ontario C.A. ....                                                | 357                                                                              |
| De Virte, <i>Re</i> [1915] 1 Ch. 920 .....                                                                 | 523                                                                              |
| De Wilton, <i>Re</i> [1900] 2 Ch. 481 .....                                                                | 263, 265                                                                         |
| De Wütz v. Hendricks (1824) 2 Bing. 314 .....                                                              | 167                                                                              |
| Didisheim v. London and Westminster Bank [1900] 2 Ch. 15 .....                                             | 394                                                                              |
| Di Ferdinando v. Simon, Smits & Co. [1920] 3 K.B. 409 .....                                                | 443                                                                              |
| D.P.P. v. Bhagwan [1972] A.C. 60 .....                                                                     | 171                                                                              |

|                                                                                                                                                                                                                                             |                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Di Savini v. Lousada (1870) 18 W.R. 425 .....                                                                                                                                                                                               | 389, 390                         |
| Distillers Co. (Biochemicals) Ltd. v. Thompson [1971] A.C. 458; [1971] 2 W.L.R. 441 .....                                                                                                                                                   | 575                              |
| Doetsch, <i>Re</i> [1896] 2 Ch. 836 .....                                                                                                                                                                                                   | 600                              |
| Dollfus Mieg et Cie v. Bank of England [1949] Ch. 369; restored in part [1950] Ch. 333; [1951] Ch. 33; reversed in part <i>sub nom.</i> U.S.A. and Republic of France v. Dollfus Mieg et Cie S.A. and Bank of England [1952] A.C. 582 ..... | 159                              |
| Dolphin v. Robins (1859) 7 H.L.C. 390 .....                                                                                                                                                                                                 | 173, 215                         |
| Don v. Lippmann (1837) 5 Cl. & F. 1 .....                                                                                                                                                                                                   | 590                              |
| Donaldson v. Donaldson [1949] P. 363 .....                                                                                                                                                                                                  | 202, 204                         |
| Doulson v. Matthews (1792) 4 T.R. 503 .....                                                                                                                                                                                                 | 135                              |
| Draper (C. E. B.) & Son Ltd. v. Edward Turner & Son Ltd. [1965] 1 Q.B. 424; [1964] 3 W.L.R. 783; 108 S.J. 582 .....                                                                                                                         | 466                              |
| Drexel v. Drexel [1916] 1 Ch. 251 .....                                                                                                                                                                                                     | 172                              |
| Duchess of Kingston's Case (1776) 2 Smith's L.C. 731 .....                                                                                                                                                                                  | 596, 630                         |
| Duchess of Orleans, <i>In the Goods of</i> [1859] 1 Sw. & Tr. 253 .....                                                                                                                                                                     | 402, 512                         |
| Duder v. Amsterdamsch Trustees Kantoor [1902] 2 Ch. 132 .....                                                                                                                                                                               | 140                              |
| Duff Development Co. v. Government of Kelantan [1924] A.C. 797 .....                                                                                                                                                                        | 155, 156                         |
| Duffill, <i>Estate of</i> (1919) 180 Cal. 748 .....                                                                                                                                                                                         | 536                              |
| Duke of Wellington, <i>Re</i> . See Wellington.                                                                                                                                                                                             |                                  |
| Dulaney v. Merry [1901] 1 K.B. 536 .....                                                                                                                                                                                                    | 457, 477                         |
| Dulles' Settlement Trusts, <i>Re</i> [1951] Ch. 265 .....                                                                                                                                                                                   | 17                               |
| — (No. 2), <i>Re</i> [1951] Ch. 842 .....                                                                                                                                                                                                   | 96, 114, 115, 383, 617, 618, 624 |
| Duncan, <i>decd.</i> , <i>Re</i> [1968] 2 W.L.R. 1479 .....                                                                                                                                                                                 | 591                              |
| Duncan & Lawson, <i>Re</i> (1889) 41 Ch.D. 394 .....                                                                                                                                                                                        | 521                              |
| Dunne v. Saban [1955] P. 178 .....                                                                                                                                                                                                          | 218, 308, 309                    |
| Dupont v. Quebec S.S. Co., 11 S.C. 188 .....                                                                                                                                                                                                | 7                                |
| Dynamics Corpn. of America, <i>Re</i> [1973] 1 W.L.R. 63; [1972] 3 All E.R. 1046 .....                                                                                                                                                      | 560                              |
| Dynamit A.G. v. Rio Tinto Co. [1918] A.C. 260 .....                                                                                                                                                                                         | 168, 604                         |
| EASTERBROOK v. Easterbrook [1944] P. 10 .....                                                                                                                                                                                               | 341                              |
| E. (D.) (An Infant), <i>Re</i> [1967] Ch. 761 .....                                                                                                                                                                                         | 379, 391                         |
| Edgerly v. Bush, 87 N.Y. 199 (1880) .....                                                                                                                                                                                                   | 463                              |
| Edwards, <i>Re</i> (1969) 113 S.J. 108 .....                                                                                                                                                                                                | 202                              |
| Egerton's Will Trusts, <i>Re</i> [1956] Ch. 593 .....                                                                                                                                                                                       | 357                              |
| Egyptian Delta Land Co. v. Todd [1929] A.C. 1 .....                                                                                                                                                                                         | 87, 224                          |
| Ekins v. East India Co. (1717) 1 P.Wms. 395 .....                                                                                                                                                                                           | 612                              |
| Eleftheria, <i>The</i> [1970] P. 94; [1969] 2 W.L.R. 1073 .....                                                                                                                                                                             | 116, 150                         |
| Ellerman Lines v. Read [1928] 2 K.B. 144 .....                                                                                                                                                                                              | 631                              |
| Elliott v. Lord Joicey [1925] A.C. 209 .....                                                                                                                                                                                                | 604                              |
| Ellis v. M'Henry (1871) L.R. 6 C.P. 228 .....                                                                                                                                                                                               | 553, 558, 629                    |
| Emanuel v. Symon [1908] 1 K.B. 302 .....                                                                                                                                                                                                    | 621, 623, 624                    |
| Embiricos v. Anglo-Austrian Bank [1905] 1 K.B. 677 .....                                                                                                                                                                                    | 449, 463, 468                    |
| Emery v. Emery, 45 Cal. 2d, 421 .....                                                                                                                                                                                                       | 579                              |
| Emery's Investment Trusts, <i>Re</i> [1959] Ch. 410 .....                                                                                                                                                                                   | 168, 179                         |
| Employer's Liability Co. v. Sedgwick Collins [1927] A.C. 95 .....                                                                                                                                                                           | 564                              |
| Empson v. Smith [1966] 1 Q.B. 426 .....                                                                                                                                                                                                     | 157                              |
| E.N.E.L. v. Costa Rica, C.J.E.C. July 15, 1964; Recueil 1964, 1, 1141 .....                                                                                                                                                                 | 438                              |
| Engelke v. Musmann [1928] A.C. 433 .....                                                                                                                                                                                                    | 157                              |
| English, Scottish and Australian Bank, <i>Re</i> [1893] 3 Ch. 385 .....                                                                                                                                                                     | 566                              |
| Enohin v. Wylie (1862) 10 H.L.C. 1 .....                                                                                                                                                                                                    | 515, 519                         |
| Entores Ltd. v. Miles Far East Corp. [1955] 2 Q.B. 327 .....                                                                                                                                                                                | 415                              |
| Esso Petroleum Co. Ltd. v. Kingswood Motors (Addlestone) Ltd. [1974] Q.B. 142 .....                                                                                                                                                         | 25                               |
| Estin v. Estin, 334 U.S. 541 (1948) .....                                                                                                                                                                                                   | 233, 305                         |
| Eustace v. Eustace [1924] P. 45 .....                                                                                                                                                                                                       | 346                              |
| Evans v. Stein (1904) 7 F. 65 .....                                                                                                                                                                                                         | 576                              |
| Ewin, <i>Re</i> (1830) 1 Cr. & J. 151 .....                                                                                                                                                                                                 | 456, 457                         |
| Ewing v. Orr-Ewing (1883) 9 App.Cas. 34 .....                                                                                                                                                                                               | 141, 539                         |
| FABRI v. Fabri [1962] 1 W.L.R. 13 .....                                                                                                                                                                                                     | 113                              |
| Favorke v. Steinkopf [1922] 1 Ch. 174 .....                                                                                                                                                                                                 | 472                              |
| Fehmarn, <i>The</i> [1958] 1 W.L.R. 159 .....                                                                                                                                                                                               | 116, 119, 149, 150, 408, 623     |
| Feist v. Société Intercommunale Belge d'Electricité [1934] A.C. 161 .....                                                                                                                                                                   | 442                              |

|                                                                                                                                                           |                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Fenton v. Fenton [1957] V.R. 17 .....                                                                                                                     | 307                                                           |
| — v. Livingstone (1859) 3 Macq. 495 .....                                                                                                                 | 618                                                           |
| Finnegan v. Cementation Co. Ltd. [1953] 1 Q.B. 688 .....                                                                                                  | 511                                                           |
| Firestone Tyre & Rubber Co. Ltd. v. Llewellyn [1957] 1 W.L.R. 464 .....                                                                                   | 88                                                            |
| Fitzgerald, <i>Re</i> [1904] 1 Ch. 573 .....                                                                                                              | 358                                                           |
| Fletcher, <i>Re</i> [1949] Ch. 473 .....                                                                                                                  | 386                                                           |
| Flynn, <i>decd.</i> , <i>Re</i> [1968] 1 W.L.R. 103 .....                                                                                                 | 189, 195, 207                                                 |
| Forgo's Case, Dalloz (1879) 1, 56 .....                                                                                                                   | 65, 69, 74                                                    |
| Forsyth v. Forsyth [1948] P. 125 .....                                                                                                                    | 114, 346, 348, 540, 623                                       |
| Foster v. Driscoll [1929] 1 K.B. 470 .....                                                                                                                | 167, 168                                                      |
| Fox v. Lawson [1973] Q.B. 757; [1973] 2 W.L.R. 662; [1973] 2 All E.R. 309 .....                                                                           | 181                                                           |
| Frankfurter v. W. L. Exner Ltd. [1947] Ch. 629 .....                                                                                                      | 11, 176                                                       |
| Frankman v. Anglo-Prague Credit Bank [1949] 1 K.B. 199; reversed <i>sub nom.</i> Zivnostenska Banka National Corporation v. Frankman [1950] A.C. 57 ..... | 414                                                           |
| Freeman v. East India Co. (1822) 5 B. & Ald. 617 .....                                                                                                    | 466                                                           |
| Freke v. Carbery (1873) L.R. 16 Eq. 461 .....                                                                                                             | 493, 520                                                      |
| Frere v. Frere (1847) 5 N.C. 593 .....                                                                                                                    | 67                                                            |
| Fuld, <i>decd.</i> , <i>In the Estate of</i> (No. 2) [1965] 1 W.L.R. 1336 .....                                                                           | 601                                                           |
| —, <i>In the Estate of</i> (No. 3) [1966] 2 W.L.R. 717 .....                                                                                              | 60, 73, 163, 202, 486, 501, 504, 632                          |
| G. (J. D. M.) (AN INFANT), <i>Re</i> [1969] 1 W.L.R. 1001 .....                                                                                           | 149, 391                                                      |
| Gagara, <i>The</i> [1919] P. 95 .....                                                                                                                     | 155                                                           |
| Galbraith v. Grimshaw [1919] A.C. 508 .....                                                                                                               | 556                                                           |
| Galene v. Galene [1939] P. 237 .....                                                                                                                      | 333                                                           |
| Gansloser's Will Trusts, <i>Re</i> [1952] Ch. 310 .....                                                                                                   | 495                                                           |
| Garthwaite v. Garthwaite [1964] P. 365 .....                                                                                                              | 83, 109, 218, 280, 281, 322, 346, 349                         |
| Gasque v. Inland Revenue Commissioners [1940] 2 K.B. 80 .....                                                                                             | 223                                                           |
| Gavin Gibson Co. v. Gibson [1913] 3 K.B. 379 .....                                                                                                        | 621                                                           |
| General Steam Navigation Co. v. Guillou (1843) 11 M. & W. 877 .....                                                                                       | 600                                                           |
| George Monro Ltd. v. American Cyanamid Co. [1944] 1 K.B. 432 .....                                                                                        | 119, 127, 575, 576                                            |
| Geyer v. Aguilar (1798) 7 T.R. 681 .....                                                                                                                  | 8                                                             |
| Ghosh v. D'Rozario [1962] 1 Q.B. 106 .....                                                                                                                | 154                                                           |
| Gibbs v. Fremont (1853) L.R. 9 Ex. 25 .....                                                                                                               | 611                                                           |
| — v. La Société Industrielle (1890) 25 Q.B.D. 399 .....                                                                                                   | 404, 558, 559                                                 |
| Gibson v. Holland (1865) L.R. 1 C.P. 1 .....                                                                                                              | 603                                                           |
| Gill v. Barron (1868) L.R. 2 P.C. 157 .....                                                                                                               | 558                                                           |
| Glasgow Society for the Prevention of Cruelty to Animals v. National Anti-Vivisection Society, 1915 S.C. 757 .....                                        | 540                                                           |
| Glider Standard Austria, S. H. 1964, <i>The</i> , <i>Re</i> [1965] P. 463 .....                                                                           | 109                                                           |
| Godard v. Gray (1870) L.R. 6 Q.B. 139 .....                                                                                                               | 13, 597, 618, 629                                             |
| Goenaga, <i>In the Estate of</i> [1949] P. 367 .....                                                                                                      | 509, 512                                                      |
| Goldstone v. Smith (1922) 38 T.L.R. 403 .....                                                                                                             | 350                                                           |
| Goodman's Trusts, <i>Re</i> (1881) 17 Ch.D. 266 .....                                                                                                     | 165, 180, 234, 361, 368, 371, 376, 519                        |
| Govt. of India v. Taylor [1955] A.C. 491 .....                                                                                                            | 90, 164, 178, 632                                             |
| Grands Etablissements de Touquet Paris-Plage, S.A., <i>des v.</i> Baumgart (1927) 96 L.J.K.B. 789 .....                                                   | 180                                                           |
| Grant v. McAuliffe, 41 Cal. 2d, 859 .....                                                                                                                 | 579                                                           |
| Grassi, <i>Re</i> [1905] 1 Ch. 584 .....                                                                                                                  | 490, 493                                                      |
| Gray v. Formosa [1963] P. 259 .....                                                                                                                       | 10, 20, 219, 261, 301, 304, 319, 332, 334, 335, 336, 617, 635 |
| Grenwood v. Curtis, 6 Mass. 358 (1810) .....                                                                                                              | 236                                                           |
| Grell v. Levy (1864) 16 C.B.(N.S.) 73 .....                                                                                                               | 175                                                           |
| Griffiths v. Griffiths [1944] Ir.R. 35 .....                                                                                                              | 252, 253                                                      |
| Grimwood v. Bartels (1877) 46 L.J.Ch. 788 .....                                                                                                           | 394                                                           |
| Groos, <i>In the Goods of</i> [1904] P. 269 .....                                                                                                         | 500, 512                                                      |
| —, <i>Re</i> [1915] 1 Ch. 572 .....                                                                                                                       | 360, 494                                                      |
| Grove, <i>Re</i> (1888) 40 Ch.D. 216 .....                                                                                                                | 363, 370, 371                                                 |
| Gruebel v. Nassauer, 210 N.Y. 149 (1913) .....                                                                                                            | 83                                                            |
| Guaranty Trust Co. of New York v. Hannay [1918] 1 K.B. 43 .....                                                                                           | 448, 604                                                      |
| Guépratte v. Young (1851) 4 De G. & Sm. 217 .....                                                                                                         | 439, 532                                                      |
| H. (INFANTS), <i>Re</i> [1966] 1 W.L.R. 381 .....                                                                                                         | 390                                                           |
| H. v. H. [1954] P. 258 .....                                                                                                                              | 252, 265, 271, 327                                            |
| Habershon v. Vardon (1851) 4 De G. & Sm. 467 .....                                                                                                        | 536                                                           |

|                                                                                                 |                                                          |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Hadley v. Baxendale (1854) 9 Exch. 341 .....                                                    | 611                                                      |
| Hagen, The [1908] P. 189 .....                                                                  | 118, 145                                                 |
| Haile Selassie v. Cable and Wireless Ltd. [1938] Ch. 839 .....                                  | 155                                                      |
| Halley, The (1868) L.R. 2 P.C. 193 .....                                                        | 235, 570, 588                                            |
| Hamilton v. Dallas (1875) L.R. 1 Ch.D. 257 .....                                                | 66                                                       |
| Hamlyn v. Talisker Distillery [1894] A.C. 202 .....                                             | 409, 417, 418, 423                                       |
| Hansen v. Dixon (1906) 23 T.L.R. 56 .....                                                       | 594                                                      |
| Haque v. Haque (No. 2) (1965) 114 C.L.R. 98 .....                                               | 48                                                       |
| Harben v. Harben [1957] 1 W.L.R. 261 .....                                                      | 388                                                      |
| Hardwick Game Farm v. Suffolk Agricultural Poultry Producers Assn.<br>[1966] 1 W.L.R. 287 ..... | 465, 466                                                 |
| Harford v. Morris (1776) 2 Hagg.Cons. 444 .....                                                 | 171, 270                                                 |
| Harmel v. Wright (Inspector of Taxes) [1974] 1 W.L.R. 325 .....                                 | 86                                                       |
| Harris v. Quine (1869) L.R. 4 Q.B. 653 .....                                                    | 595, 596                                                 |
| — v. Taylor [1915] 2 K.B. 580 .....                                                             | 624                                                      |
| Harrison v. Harrison [1953] 1 W.L.R. 865 .....                                                  | 208, 209                                                 |
| Harrop v. Harrop [1920] 3 K.B. 386 .....                                                        | 626                                                      |
| Har-Shefi v. Har-Shefi [1953] P. 161 .....                                                      | 4, 78, 281, 321, 322                                     |
| — v. — (No. 2) [1953] P. 220 .....                                                              | 321                                                      |
| Hartmann v. Koenig (1933) 50 T.L.R. 114 .....                                                   | 606                                                      |
| Harvey v. Archbold (1825) 3 B. & C. 626 .....                                                   | 611                                                      |
| — v. Farnie (1880) 6 P.D. 35 .....                                                              | 244                                                      |
| Hashmi v. Hashmi [1972] Fam. 36; [1971] 3 W.L.R. 1918; 115 S.J. 929 .....                       | 79, 364, 366, 368                                        |
| Hatch, Re [1948] Ch. 592 .....                                                                  | 152                                                      |
| Hawkins, decd., Re [1972] 1 Ch. 714; [1972] 3 W.L.R. 265 .....                                  | 628                                                      |
| Hay v. Northcote [1900] 2 Ch. 262 .....                                                         | 277                                                      |
| Hearle v. Greenbank (1749) 1 Ves.Sen. 298 .....                                                 | 523                                                      |
| Helbert Wagg & Co. Ltd.'s Claim, Re [1956] 1 Ch. 323 .....                                      | 176, 179, 410, 433, 434, 438, 439, 472                   |
| Hellfeld v. Rechnitzer [1914] 1 Ch. 748 .....                                                   | 129                                                      |
| Hellmann's Will, Re (1866) L.R. 2 Eq. 363 .....                                                 | 232, 486, 520                                            |
| Henderson v. Henderson [1967] P. 77 .....                                                       | 196, 208, 212, 215                                       |
| Herbert v. Herbert (1819) 2 Hagg.Cons. 263 .....                                                | 269                                                      |
| Heriz v. Reira (1840) 11 Sim. 318 .....                                                         | 436                                                      |
| Hewitt, Re [1915] 1 Ch. 228 .....                                                               | 538, 541                                                 |
| High Commissioner for India v. Ghosh [1960] 1 Q.B. 134 .....                                    | 155                                                      |
| Hill, In the Goods of (1870) 2 P. & D. 89 .....                                                 | 511                                                      |
| — v. Hill [1960] P. 130 .....                                                                   | 328                                                      |
| Hilton v. Guyot, 159 U.S. 113 .....                                                             | 618                                                      |
| Hodgson v. de Beauchesne (1858) 12 Moo.P.C. 285 .....                                           | 201, 206                                                 |
| Holdawanski v. Holdawanska [1957] P. 301; [1956] 3 W.L.R. 935 .....                             | 270, 274, 277                                            |
| Holman v. Johnson (1775) 1 Comp. 331 .....                                                      | 178                                                      |
| Hooper v. Gumm (1867) L.R. 2 Ch.App. 282 .....                                                  | 465, 469                                                 |
| — v. Hooper [1959] 1 W.L.R. 1021 .....                                                          | 270                                                      |
| Hope v. Brewer, 136 N.Y. 126; 32 N.E. 558 .....                                                 | 537                                                      |
| — v. Hope (1854) 4 De G.M. & G. 328 .....                                                       | 388                                                      |
| — v. — [1968] N.I. 1 .....                                                                      | 175, 213                                                 |
| Hopkins v. Hopkins [1951] P. 116 .....                                                          | 284                                                      |
| Horne v. Rouquette (1878) 3 Q.B.D. 514 .....                                                    | 448                                                      |
| Hornett v. Hornett [1971] P. 255; [1971] 2 W.L.R. 181; (1970) 115 S.J. 93 .....                 | 318                                                      |
| Hoskins v. Matthews (1856) 8 De G.M. & G. 13 .....                                              | 204                                                      |
| House v. Lefebure, 6 N.W. 2d 487 (1942) .....                                                   | 76                                                       |
| Houstoun, Re (1826) 1 Russ. 312 .....                                                           | 392                                                      |
| Howgate v. Bagnall [1951] 1 K.B. 265; 66 T.L.R.(Pt. 2) 997; 94 S.J. 725 .....                   | 345                                                      |
| Hoyles, Re [1911] 1 Ch. 179 .....                                                               | 47, 48, 137, 143, 493, 539                               |
| Huber v. Steiner (1835) 2 Bing.N.C. 203 .....                                                   | 52, 590, 595                                             |
| Humphries, In the Estate of [1934] P. 78 .....                                                  | 511                                                      |
| Hunter v. Hunter [1962] P. 1 .....                                                              | 289, 540                                                 |
| — v. Potts (1791) 4 T.R. 182 .....                                                              | 552                                                      |
| Huntington v. Attrill, 146 U.S. 657 (1892) .....                                                | 47                                                       |
| — v. — [1893] A.C. 150 .....                                                                    | 46, 94, 177, 632                                         |
| Hurll, Re [1952] Ch. 722 .....                                                                  | 373, 374                                                 |
| Hussein v. Hussein [1938] P. 159 .....                                                          | 327, 336                                                 |
| Hutchison v. Ross, 187 N.E. 65 (1933) .....                                                     | 459, 531                                                 |
| Hutter v. Hutter [1944] P. 95 .....                                                             | 341                                                      |
| Hyde v. Hyde (1866) L.R. 1 P. & D. 130 .....                                                    | 55, 58, 237, 241, 242, 243, 244, 247, 248, 249, 280, 326 |

|                                                                                                                                                                                                                                 |                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| IGRA v. Igra [1951] P. 404 .....                                                                                                                                                                                                | 175, 318, 349, 620, 633                 |
| Iman Din v. National Assistance Board [1967] 2 Q.B. 213 .....                                                                                                                                                                   | 246                                     |
| Imperial Chemical Industries v. Caro [1961] 1 W.L.R. 529 .....                                                                                                                                                                  | 89                                      |
| Income Tax Commissioners v. Pemsel [1891] A.C. 531 .....                                                                                                                                                                        | 536                                     |
| Indian Chief, The (1800) 3 C.Rob. 12 .....                                                                                                                                                                                      | 205, 221                                |
| Industrie, The [1894] P. 58 .....                                                                                                                                                                                               | 429                                     |
| Indyka v. Indyka [1967] 3 W.L.R. 510 ... 20, 96, 110, 172, 173, <b>219</b> , <b>220</b> , 290, 299,<br>303, 309, <b>311-317</b> , 318, 319, 323, <b>324</b> , <b>325</b> ,<br>332, 337, 338, 339, 369, 383, 616, 621, 622 ..... | 466                                     |
| Inglis v. Robertson & Baxter [1898] A.C. 616 .....                                                                                                                                                                              | 464                                     |
| — v. Usherwood (1801) 1 East 515 .....                                                                                                                                                                                          | 604                                     |
| I.R.C. v. City of Glasgow Police Assn. [1953] A.C. 380 .....                                                                                                                                                                    | 86                                      |
| — v. Reid's Trustee [1949] A.C. 361 .....                                                                                                                                                                                       | 644                                     |
| International Altex Corporation v. Lawler Creations Ltd. [1965] 2 I.R. 264 .....                                                                                                                                                | 328                                     |
| Inverclyde v. Inverclyde [1931] P. 29 .....                                                                                                                                                                                     | 144                                     |
| Ionian Bank Ltd. v. Couvreur [1969] 1 W.L.R. 781; 113 S.J. 107 .....                                                                                                                                                            | 539                                     |
| Ironmongers' Company v. Att.-Gen. (1844) 10 Cl. & F. 908 .....                                                                                                                                                                  | 272, <b>273</b>                         |
| Isaac Penhas v. Tan Soo Eng [1953] A.C. 304 .....                                                                                                                                                                               | 458, 473, 495, 531                      |
| Iveagh v. I.R.C. [1954] Ch. 364 .....                                                                                                                                                                                           |                                         |
| JABBOUR v. Custodian of Israeli Absentee Property [1954] 1 W.L.R. 139 ...                                                                                                                                                       | 49,                                     |
|                                                                                                                                                                                                                                 | <b>439, 454, 455</b> , 604              |
| Jackman v. Jackman [1957] 2 W.L.R. 371, n. 4 .....                                                                                                                                                                              | 306                                     |
| Jackson v. Spittall (1870) L.R. 5 C.P. 542 .....                                                                                                                                                                                | 575                                     |
| Jacobs v. Crédit Lyonnais (1884) 12 Q.B.D. 589 .....                                                                                                                                                                            | 410, <b>413</b> , 414, <b>415</b> , 432 |
| — v. Jacobs and Ceen [1950] P. 146 .....                                                                                                                                                                                        | 289                                     |
| Jacobson v. Frachon (1927) 44 T.L.R. 103 .....                                                                                                                                                                                  | 633                                     |
| James Miller & Partners Ltd. v. Whitworth Street Estates (Manchester) Ltd.<br>See Whitworth Street Estates (Manchester) Ltd. v. James Miller &<br>Partners Ltd.                                                                 |                                         |
| Janson v. Driefontein Consolidated Mines [1902] A.C. 484 .....                                                                                                                                                                  | 153, 166                                |
| Jenney v. Mackintosh (1886) 33 Ch.D. 595 .....                                                                                                                                                                                  | 142                                     |
| Jewish National Fund v. Royal Trust Co. and Richter [1965] S.C.R. 784 .....                                                                                                                                                     | 493,                                    |
|                                                                                                                                                                                                                                 | 535                                     |
| Joachimson v. Swiss Bank Corp. [1921] 3 K.B. 110 .....                                                                                                                                                                          | 169, 472                                |
| Johnson, Re [1903] 1 Ch. 821 .....                                                                                                                                                                                              | 67                                      |
| — v. Taylor Bros. [1920] A.C. 144 .....                                                                                                                                                                                         | <b>125</b>                              |
| Jones, Estate of, 192 Iowa 78 (1921) .....                                                                                                                                                                                      | 198                                     |
| Jopp v. Wood (1865) 4 De G.J. & S. 616 .....                                                                                                                                                                                    | 201                                     |
| Joseph v. Joseph [1953] 1 W.L.R. 1182 .....                                                                                                                                                                                     | <b>322</b>                              |
| Joseph's Will Trusts, Re [1907] 26 N.Z.L.R. 504 .....                                                                                                                                                                           | 540                                     |
| Joyce v. Director of Public Prosecutions [1946] A.C. 347 .....                                                                                                                                                                  | 91, 181                                 |
| Juan Ismael & Co. v. Republic of Indonesia [1955] A.C. 72 .....                                                                                                                                                                 | 159                                     |
| Judgment Debtor, A, Re [1939] 1 Ch. 601; (1939) 160 L.T. 92 .....                                                                                                                                                               | 636, 639                                |
| Jugoslovenska Oceanska Plovidba v. Castle Investments Co. Inc. [1974]<br>1 Q.B. 292; [1973] 3 W.L.R. 847 .....                                                                                                                  | 443, 614                                |
| Jupiter, The [1924] P. 236 .....                                                                                                                                                                                                | 159                                     |
| — (No. 3) [1927] P. 122 .....                                                                                                                                                                                                   | 11, 564                                 |
| K. (AN INFANT), Re [1963] Ch. 381 .....                                                                                                                                                                                         | 7                                       |
| Kadel Chajkin v. Mitchell [1947] 2 All E.R. 786 .....                                                                                                                                                                           | 95                                      |
| Kahler v. Midland Bank [1950] A.C. 24 .....                                                                                                                                                                                     | 41, 179, 404, 412, 414, 430, <b>434</b> |
| Kassim v. Kassim [1962] P. 224 .....                                                                                                                                                                                            | 245, 246, 253                           |
| Kaufman v. Gerson [1904] 1 K.B. 591 .....                                                                                                                                                                                       | 175                                     |
| Kaur v. Singh [1972] 1 W.L.R. 105; (1971) 115 S.J. 967; [1972] 1 All E.R.<br>292, C.A. ....                                                                                                                                     | 258                                     |
| Kawasi Kishen Kabushiki of Kobe v. Bantam S.S. Co. [1939] 2 K.B. 544 ...                                                                                                                                                        | 156                                     |
| Kehr, Re [1952] Ch. 26; [1951] 2 All E.R. 812 .....                                                                                                                                                                             | 509, 512                                |
| Keiner v. Keiner [1952] 1 All E.R. 643 .....                                                                                                                                                                                    | 414                                     |
| Kelly v. Selwyn [1905] 2 Ch. 117 .....                                                                                                                                                                                          | 474, <b>480</b>                         |
| Kelsen v. Imperial Tobacco Co. Ltd. [1957] 2 Q.B. 334 .....                                                                                                                                                                     | 587                                     |
| Kenward v. Kenward [1951] P. 124 .....                                                                                                                                                                                          | 250, 252, 267, 269, 327                 |
| Ker v. Wauchope (1819) 1 Bli. 1 .....                                                                                                                                                                                           | 522                                     |
| Ker's Settlement Trusts, Re [1963] Ch. 553 .....                                                                                                                                                                                | <b>540</b>                              |

|                                                                                      |                                        |
|--------------------------------------------------------------------------------------|----------------------------------------|
| Kernot (An Infant), <i>Re</i> [1965] Ch. 217 .....                                   | 150                                    |
| Keserne v. Keserne [1962] 1 W.L.R. 1406 .....                                        | 346                                    |
| Keyes v. Keyes [1921] P. 204 .....                                                   | 285                                    |
| Khan's Settlement, <i>Re</i> [1966] Ch. 567 .....                                    | 503, 506                               |
| Khoo Hooi Leong v. Khoo Chong Yeok [1930] A.C. 346 .....                             | 365                                    |
| — v. Khoo Hean Kwee [1926] A.C. 529 .....                                            | 245, 365                               |
| Kilberg v. Northeast Airlines, 9 N.Y. 2d. 34 (1960) .....                            | 578, 586                               |
| Kleinwort v. Hungarian General Creditbank [1939] 2 K.B. 678 .....                    | 437                                    |
| — v. Ungarische Baumwolle Industrie [1939] 2 K.B. 678 .....                          | 180, 432                               |
| Kloebe, <i>Re</i> (1884) 28 Ch.D. 175 .....                                          | 516                                    |
| Knight, <i>Re</i> [1898] 1 Ch. 257 .....                                             | 394                                    |
| Kochanski v. Kochanska [1958] P. 147 .....                                           | 275, 276                               |
| Kochlin v. Kestenbaum [1927] 1 K.B. 616, 889 .....                                   | 448                                    |
| Kohn v. Rinson Ltd. [1948] 1 K.B. 327 .....                                          | 636                                    |
| Kohnke v. Karger [1951] 2 K.B. 670 .....                                             | 599, 612, 633                          |
| Koop v. Bebb (1951) 84 C.L.R. 629 .....                                              | 573                                    |
| Korvine's Trusts, <i>Re</i> [1921] 1 Ch. 343 .....                                   | 54, 468, 469, 477                      |
| Kotia v. Nahas [1941] A.C. 403 .....                                                 | 68, 71, 72                             |
| Krajina v. The Tass Agency [1949] 2 All E.R. 274 .....                               | 155                                    |
| Krebs v. Rosalino (Munich 1861), No. 107 .....                                       | 65                                     |
| Kremezi v. Ridgway [1949] 1 All E.R. 662 .....                                       | 240                                    |
| Kroch v. Rossell [1937] 1 All E.R. 725 .....                                         | 128, 575                               |
| Küchenmeister, <i>Ex p.</i> [1947] K.B. 41 .....                                     | 152                                    |
| Kunstler v. Kunstler [1969] 1 W.L.R. 1506; 113 S.J. 656; [1969] 3 All E.R. 673 ..... | 633                                    |
| Kwick Hoo Tong v. James Finlay & Co. [1927] A.C. 604 .....                           | 76, 417, 423                           |
|                                                                                      |                                        |
| LACROIX, <i>In the Goods of</i> (1877) L.R. 2 P.D. 94 .....                          | 67, 487, 492                           |
| Langley's Settlement Trusts, <i>Re</i> [1962] Ch. 541 .....                          | 232, 237, 238, 505, 538                |
| Lashley v. Hog (1804) 4 Paton 581 .....                                              | 360                                    |
| Latham, <i>Re</i> [1962] Ch. 616 .....                                               | 90, 505                                |
| Lawson v. Rolfe [1970] Ch. 612; [1970] 2 W.L.R. 602; 114 S.J. 206 .....              | 86, 536                                |
| Lawton, <i>Re</i> [1958] T.R. 249 .....                                              | 206                                    |
| Lazard Bros. v. Midland Bank [1933] A.C. 289 .....                                   | 11, 564, 604, 606                      |
| Lazarewicz v. Lazarewicz [1962] P. 171 .....                                         | 274, 275                               |
| Lecouturier v. Rey [1910] A.C. 262 .....                                             | 464                                    |
| Lee v. Abdy (1886) 17 Q.B.D. 309 .....                                               | 49, 470, 475, 477, 478                 |
| — v. Lau [1967] P. 14 .....                                                          | 321                                    |
| Le Mesurier v. Le Mesurier [1895] A.C. 517 .....                                     | 220, 282, 299, 303, 307, 312, 326, 338 |
| Leon v. Leon [1967] P. 275 .....                                                     | 18, 198                                |
| Lepre v. Lepre [1965] P. 52 .....                                                    | 110, 261, 319, 332, 336, 338, 635      |
| Leroux v. Brown (1852) 12 C.B. 801 .....                                             | 52, 163, 440, 592, 593, 596, 602       |
| Levene v. I.R.C. [1928] A.C. 217 .....                                               | 87                                     |
| Levett v. Levett [1957] P. 156 .....                                                 | 309                                    |
| Levick's Will Trusts [1963] 1 W.L.R. 311 .....                                       | 496, 535                               |
| Lewal's Settlement Trusts, <i>Re</i> [1918] 2 Ch. 391 .....                          | 503, 504, 508                          |
| Liddell-Grainger's Will Trusts, <i>Re</i> (1936) 53 T.L.R. 12 .....                  | 206                                    |
| Liddell's Settlement Trusts, <i>Re</i> [1936] Ch. 365 .....                          | 138, 388                               |
| Liddiard, <i>Re</i> (1880) 14 Ch.D. 310 .....                                        | 542                                    |
| Lindo v. Belisario (1795) 1 Hag.Cons. 216 .....                                      | 8                                      |
| Linke v. Van Aerde (1894) 10 T.L.R. 426 .....                                        | 327, 336                               |
| Lister v. McAnulty [1944] 3 D.L.R. 673 .....                                         | 574                                    |
| Littauer Glove Co. v. F. W. Millington Ltd. (1928) 44 T.L.R. 746 .....               | 621                                    |
| Liverpool Borough Bank v. Turner (1860) 2 De G.F. & J. 502 .....                     | 435                                    |
| Liverpool Marine Credit Co. v. Hunter (1868) L.R. 3 Ch. 479 .....                    | 457, 458, 465, 469                     |
| Livesey v. Horst [1924] S.C.R. 605 .....                                             | 432, 611                               |
| Lloyd v. Guibert (1865) L.R. 1 Q.B. 115 .....                                        | 409, 414                               |
| Lloyd Evans, <i>Re</i> [1947] Ch. 695 .....                                          | 197                                    |
| Lloyd Generale Italiano, <i>Re</i> (1885) 29 Ch.D. 219 .....                         | 560                                    |
| Logan v. Bank of Scotland (No. 2) [1906] 1 K.B. 141 .....                            | 149                                    |
| London, The [1931] P. 14 .....                                                       | 147                                    |
| Lord Advocate v. Jaffrey [1921] 1 A.C. 146 .....                                     | 217, 265                               |
| Lorentzen v. Lydden (1942) 58 T.L.R. 178 .....                                       | 11, 166                                |
| Lorillard, <i>Re</i> [1922] 2 Ch. 638 .....                                          | 515, 516, 517                          |

|                                                                                                              |                                   |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Luck, <i>Re</i> [1940] 1 Ch. 864 .....                                                                       | 229, 234                          |
| Luck's Settlement Trusts, <i>Re</i> [1940] 1 Ch. 864 .....                                                   | 196, 212, 371, 375, 383, 384, 386 |
| Luigi Monte v. Cechofracht Co. [1956] 2 Q.B. 552 .....                                                       | 156                               |
| Luther v. Sagor [1921] 3 K.B. 532 .....                                                                      | 176                               |
| Lynch v. Provisional Government of Paraguay (1871) L.R. 2 P. & M. 286 .....                                  | 386, 490, 518, 533, 574           |
| Lysaght v. I.R.C. (1926) 13 T.C. 511 .....                                                                   | 87                                |
|                                                                                                              |                                   |
| M. (AN INFANT), <i>Re</i> [1965] Ch. 203 .....                                                               | 380                               |
| Macalpine v. Macalpine [1958] P. 35; [1957] 3 W.L.R. 698 .....                                               | 625, 630, 632, 633, 634           |
| Macartney, <i>Re</i> [1921] 1 Ch. 522 .....                                                                  | 169, 627, 632                     |
| McClelland v. Trustees Executors & Agency Co. Ltd. (1936) 55 C.L.R. 483 ...                                  | 48                                |
| McCulloch, <i>Ex p.</i> (1880) 14 Ch.D. 716 .....                                                            | 556                               |
| McElroy v. McAlister, 1949 S.C. 110 .....                                                                    | 573, 577                          |
| Macfadyen & Co., <i>Re</i> [1918] 1 K.B. 675 .....                                                           | 549                               |
| Macfarlane v. Norris (1862) 2 B. & S. 783 .....                                                              | 610                               |
| M'Feetridge v. Stewarts, 1913 S.C. 773 .....                                                                 | 402                               |
| Machado v. Fontes [1897] 2 Q.B. 231 .....                                                                    | 76, 572, 573, 580, 612            |
| McHenry v. Lewis (1882) 22 Ch.D. 397 .....                                                                   | 144, 146, 147, 148, 151           |
| McKee v. McKee [1951] A.C. 252 .....                                                                         | 383, 390                          |
| Mackender v. Feldia A.G. [1967] 2 Q.B. 590 .....                                                             | 116, 123, 150, 433                |
| Mackenzie, <i>Re</i> [1940] Ch. 69 .....                                                                     | 48, 213                           |
| Mackey v. Pettyjohn, 6 Kan.App. 57, 1897 .....                                                               | 462                               |
| Maclean v. Cristall (1849) 7 Notes of Cases Supp., XVII .....                                                | 273                               |
| McMillan v. Canadian Northern Rly. [1923] A.C. 120 .....                                                     | 571                               |
| McMorran, <i>decd.</i> , <i>Re</i> [1958] Ch. 624 .....                                                      | 503, 508                          |
| Mahadervan v. Mahadervan [1964] P. 233 .....                                                                 | 55, 241, 269, 601                 |
| Maher v. Maher [1951] P. 342 .....                                                                           | 242, 320, 633                     |
| Maldonado, <i>In the Estate of</i> [1954] P. 223 .....                                                       | 51, 60, 526, 527, 536             |
| Male v. Roberts (1800) 3 Esp. 163 .....                                                                      | 232, 402                          |
| Manifold, <i>decd.</i> , <i>Re</i> [1962] Ch. 1 .....                                                        | 517                               |
| Manners v. Pearson [1898] 1 Ch. 581 .....                                                                    | 442, 614                          |
| Manning v. Manning [1958] P. 112 .....                                                                       | 309                               |
| Mansell v. Mansell [1967] P. 306 .....                                                                       | 18                                |
| Maraver, <i>In the Goods of</i> (1828) 1 Hagg.Ecc. 498 .....                                                 | 485                               |
| Marinero, <i>The</i> [1955] P. 68 .....                                                                      | 146, 148                          |
| Maritime Insurance Co. Ltd. v. Assuranz-Union von 1865 (1935) 52 Ll.L.Rep. 16 .....                          | 423                               |
| Marlborough, Duke of v. Att.-Gen. (No. 1) [1945] Ch. 78 .....                                                | 357, 459, 495, 535, 541           |
| Marrache v. Ashton [1943] A.C. 311 .....                                                                     | 180                               |
| Marrett, <i>Re</i> (1887) 36 Ch.D. 400 .....                                                                 | 202                               |
| Marshall, <i>decd.</i> , <i>Re</i> [1957] Ch. 507 .....                                                      | 375, 385, 386                     |
| Martens v. Martens, 1925 (3) S.A. 771 .....                                                                  | 271                               |
| Martin, <i>Re</i> [1900] P. 211 .....                                                                        | 57, 64, 192, 204, 357, 500, 501   |
| Mary Moxham, <i>The</i> (1876) L.R. 1 P.D. 43, 107 .....                                                     | 142, 573                          |
| Mash & Murrell Ltd. v. Joseph I. Emanuel Ltd. [1961] 1 W.L.R. 862 .....                                      | 125                               |
| Mason v. Rose (1949) 176 F. (2d) 486 .....                                                                   | 76                                |
| Matalon v. Matalon [1952] P. 233 .....                                                                       | 346                               |
| Mather v. Mahoney [1968] 1 W.L.R. 1773 .....                                                                 | 310, 317, 339                     |
| Matheson Bros. Ltd., <i>Re</i> (1884) 27 Ch.D. 225 .....                                                     | 560, 562                          |
| Matthews v. Kuwait Bechtel Corporation [1959] 2 Q.B. 57 .....                                                | 124, 133                          |
| Maundy Gregory, <i>Re</i> (1934) 103 L.J.Ch. 267 .....                                                       | 555                               |
| Mauroux v. Soc. Com. Abel Pereira da Fonseca [1972] 1 W.L.R. 962; 116 S.J. 392; [1972] 2 All E.R. 1085 ..... | 118, 417                          |
| Mawji v. R. [1957] A.C. 126 .....                                                                            | 215                               |
| Maxwell v. Maxwell (1852) 2 D.M. & G. 705 .....                                                              | 523                               |
| May v. May [1943] 2 All E.R. 146 .....                                                                       | 199, 203                          |
| May's Estate (1953) 305 N.Y. 486 .....                                                                       | 4, 263                            |
| Mayfield v. Mayfield [1969] P. 119; [1969] 2 W.L.R. 1002; 113 S.J. 35 .....                                  | 317                               |
| Mayor of Canterbury v. Wyburn [1895] A.C. 89 .....                                                           | 493, 535                          |
| Mehta v. Mehta [1945] 2 All E.R. 690 .....                                                                   | 4, 246, 253                       |
| Meinertzhagen v. Davies (1844) 1 Coll.N.C. 335 .....                                                         | 542                               |
| Melbourn, <i>Ex p.</i> (1870) L.R. 6 Ch. 64 .....                                                            | 557, 609                          |

|                                                                                                                                                                 |                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| Mellenger v. New Brunswick Development Corp'n. [1971] 1 W.L.R. 604;<br>[1971] 2 All E.R. 593 .....                                                              | 153                                               |
| Mengel's Will Trusts, <i>Re</i> [1962] Ch. 791 .....                                                                                                            | 524                                               |
| Mercantile Investment Co. v. River Plate Trust Co. [1892] 2 Ch. 303 .....                                                                                       | 138                                               |
| Merker v. Merker [1962] 3 W.L.R. 1389 .....                                                                                                                     | 275, 332, 337, 629                                |
| Messina v. Petrocchino (1872) L.R. 4 P.C. 144 .....                                                                                                             | 618                                               |
| — v. Smith [1971] P. 322; [1971] 3 W.L.R. 118 .....                                                                                                             | 318                                               |
| Metamorphosis, <i>The</i> [1953] 1 W.L.R. 543 .....                                                                                                             | 118, 124                                          |
| Metcalfe's Trusts, <i>Re</i> (1864) 2 De G.J. & S. 122 .....                                                                                                    | 238                                               |
| Metliss v. National Bank of Greece & Athens. <i>See</i> National Bank of Greece<br>& Athens v. Metliss.                                                         |                                                   |
| Metro-Plan Inc. v. Kotcher-Turner Inc. (1941) 296 N.W. 304 .....                                                                                                | 467                                               |
| Mette v. Mette (1859) 1 Sw. & Tr. 416 .....                                                                                                                     | 259, 263, 265                                     |
| Metzer v. Metzer [1936] 3 All E.R. 180 .....                                                                                                                    | 318                                               |
| Meyer, <i>Re</i> [1971] P. 298; [1971] 2 W.L.R. 401 .....                                                                                                       | 304                                               |
| — v. Dresser (1864) 16 C.B.(N.S.) 646 .....                                                                                                                     | 610                                               |
| Midleton v. Cottesloe [1949] A.C. 418 .....                                                                                                                     | 48                                                |
| Miësegats v. I.R.C. (1957) 37 T.C. 493 .....                                                                                                                    | 87, 213                                           |
| Mighell v. Sultan of Johore [1894] 1 Q.B. 149 .....                                                                                                             | 11, 154, 156                                      |
| Miller, <i>Re</i> [1914] 1 Ch. 511 .....                                                                                                                        | 496                                               |
| Milligan v. Milligan [1941] 2 All E.R. 62 .....                                                                                                                 | 349                                               |
| Minervini, <i>Ex p.</i> [1959] 1 Q.B. 155 .....                                                                                                                 | 5                                                 |
| Mirlees' Charity, <i>Re</i> [1910] 1 Ch. 163 .....                                                                                                              | 540                                               |
| Missouri Steamship Co., <i>Re</i> (1889) 42 Ch.D. 321 .....                                                                                                     | 409, 435                                          |
| Mitford v. Mitford [1923] P. 130 .....                                                                                                                          | 336, 337                                          |
| Monkland v. Jack Barclay Ltd. [1951] 2 K.B. 252 .....                                                                                                           | 165                                               |
| Montgomery v. Zarifi (1918) 88 L.J.P.C. 20 .....                                                                                                                | 357                                               |
| Moore, <i>Re</i> [1919] 1 I.R. 316 .....                                                                                                                        | 536                                               |
| Moorhouse v. Lord (1863) 10 H.L.C. 272 .....                                                                                                                    | 188, 199                                          |
| Morelle Ltd. v. Wakeling [1955] 2 Q.B. 379 .....                                                                                                                | 224                                               |
| — v. Waterworth [1955] 1 Q.B. 1 .....                                                                                                                           | 224                                               |
| Morris v. Baron [1918] A.C. 1 .....                                                                                                                             | 603                                               |
| Moscow Merchant's Trading Co., <i>Re</i> [1958] Ch. 182 .....                                                                                                   | 565                                               |
| Mostyn v. Fabrigas (1774) Cowp. 180 .....                                                                                                                       | 135, 568                                          |
| Motture v. Motture [1955] 1 W.L.R. 1066; [1955] 3 All E.R. 242 .....                                                                                            | 607                                               |
| Mount Albert B.C. v. Australasian Temperance Society [1938] A.C. 224 .....                                                                                      | 405, 411                                          |
| Mountbatten v. Mountbatten [1959] P. 43 .....                                                                                                                   | 17, 68, 75, 165, 310, 339                         |
| Municipal Council of Sydney v. Bull [1909] 1 K.B. 7 .....                                                                                                       | 178                                               |
| Munro v. Munro (1840) 7 Cl. & F. 842 .....                                                                                                                      | 206, 370                                          |
| Musurus, <i>In the Estate of</i> [1936] 2 All E.R. 1666 .....                                                                                                   | 526                                               |
| Mutzenbecher v. La Aseguradora Española [1906] 1 K.B. 254 .....                                                                                                 | 125                                               |
| Mwenya, <i>Ex p.</i> [1960] 1 Q.B. 241 .....                                                                                                                    | 5                                                 |
| NACHIMSON v. Nachimson [1930] P. 217 .....                                                                                                                      | 58, 234, 242, 269, 320                            |
| Narewska v. Narewska, <i>The Times</i> , May 21, 1966 .....                                                                                                     | 275                                               |
| National Bank of Greece & Athens v. Metliss [1958] A.C. 509; affirming<br><i>sub nom.</i> Metliss v. National Bank of Greece & Athens [1957] 2 Q.B.<br>33 ..... | 9, 51, 56, 223, 230, 233, 234, 235, 432, 566, 574 |
| National City Bank of New York v. Republic of China (1955) 99 L.Ed. 315 .....                                                                                   | 177                                               |
| Nelson v. Bridport (1846) 8 Beav. 547 .....                                                                                                                     | 137, 141, 143, 493, 497, 498, 539                 |
| New York Life Insurance Co. v. The Public Trustee [1924] 2 Ch. 101 ...                                                                                          | 49, 50, 471, 472                                  |
| New York Security Co. v. Keyser [1901] 1 Ch. 666 .....                                                                                                          | 394                                               |
| Niboyet v. Niboyet (1878) L.R. 4 P.D. 1 .....                                                                                                                   | 226, 230, 282, 314, 349                           |
| Nigel Goldmining Co. v. Hoade [1901] 2 K.B. 849 .....                                                                                                           | 152                                               |
| Nizam of Hyderabad v. Jung [1957] Ch. 185 .....                                                                                                                 | 160                                               |
| Norris v. Chambers (1861) 3 De G.F. & J. 583 .....                                                                                                              | 136, 138                                          |
| Norske Atlas Insurance Co. v. London General Insurance Co. (1927) 43<br>T.L.R. 541 .....                                                                        | 423, 619                                          |
| North Western Bank v. Poynter [1895] A.C. 56 .....                                                                                                              | 457                                               |
| Northcote's Will Trusts, <i>Re</i> [1949] 1 All E.R. 442 .....                                                                                                  | 511, 517                                          |
| Norton's Settlement, <i>Re</i> [1908] 1 Ch. 471 .....                                                                                                           | 10, 149, 539                                      |
| Nouvion v. Freeman (1889) 15 App.Cas. 1 .....                                                                                                                   | 626, 628                                          |
| Novello & Co. Ltd. v. Hinrichsen Edition Ltd. [1951] Ch. 595; affirmed<br>[1951] Ch. 1026 .....                                                                 | 176                                               |
| Nugent v. Vetsera (1866) L.R. 2 Eq. 704 .....                                                                                                                   | 388, 389                                          |