

HART STUDIES IN PRIVATE LAW
ESSAYS ON DEFENCES



DEFENCES IN EQUITY

Edited by
Paul S Davies,
Simon Douglas and
James Goudkamp

DEFENCES IN EQUITY

This book is the fourth in a series of essay collections on defences in private law. It addresses defences to liability arising in equity. The essays range from those adopting a mainly doctrinal perspective to others that explore the law from a more philosophical perspective. Some essays concentrate on specific defences, while others are concerned with the links between defences, or with how defences relate to the structure of the law of equity generally. One aim of the book is to shed light on equitable doctrines by analysing them through the lens of defences. The essays offer original contributions to this complex, important but neglected field of scholarly investigation. The contributors—judges and academics—are all distinguished jurists. The essays are addressed to all of the major common law jurisdictions.

Volume 4 in the series Hart Studies in Private Law: Essays on Defences

Hart Studies in Private Law: Essays on Defences

The series offers a systematic treatment of defences in private law as a connected field. It addresses tort law, unjust enrichment, contract law and equity, in that order. Its aim is to contribute to this theoretically challenging and practically important, yet understudied, area of the law. The essays that constitute each of the collections in this series are written by some of the world's leading judges and scholars. They bring together insights from several jurisdictions, including civilian jurisdictions. The series is of value to academics and practitioners alike.

Defences in Equity

Edited by
Paul S Davies
Simon Douglas
and
James Goudkamp

• H A R T •

OXFORD • LONDON • NEW YORK • NEW DELHI • SYDNEY

HART PUBLISHING
Bloomsbury Publishing Plc
Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, UK

HART PUBLISHING, the Hart/Stag logo, BLOOMSBURY and the Diana logo are trademarks of Bloomsbury Publishing Plc

First published in Great Britain 2018

Copyright © The editors and contributors severally 2018

The editors and contributors have asserted their right under the Copyright, Designs and Patents Act 1988 to be identified as Authors of this work.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publishers.

While every care has been taken to ensure the accuracy of this work, no responsibility for loss or damage occasioned to any person acting or refraining from action as a result of any statement in it can be accepted by the authors, editors or publishers.

All UK Government legislation and other public sector information used in the work is Crown Copyright ©. All House of Lords and House of Commons information used in the work is Parliamentary Copyright ©. This information is reused under the terms of the Open Government Licence v3.0 (<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3>) except where otherwise stated.

All Eur-lex material used in the work is © European Union,
<http://eur-lex.europa.eu/>, 1998–2018.

A catalogue record for this book is available from the British Library.

Library of Congress Cataloging-in-Publication data

Names: Davies, Paul S. (Law teacher), editor. | Douglas, Simon, 1983- editor. | Goudkamp, James, 1980- editor.

Title: Defences in equity / edited by Paul S Davies, Simon Douglas and James Goudkamp.

Description: Oxford ; Portland, Oregon : Hart Publishing, 2018. | Series: Hart studies in private law : essays on defences ; Volume 4 | Includes bibliographical references and index.

Identifiers: LCCN 2017053835 (print) | LCCN 2017055291 (ebook) | ISBN 9781509921027 (Epub) | ISBN 9781849467247 (hardback : alk. paper)

Subjects: LCSH: Equity—English-speaking countries. | Equity—England. | Actions and defenses—English-speaking countries. | Actions and defenses—England. | Defense (Civil procedure)—English-speaking countries. | Defense (Civil procedure)—England.

Classification: LCC K247 (ebook) | LCC K247 .D438 2018 (print) | DDC 346/.004—dc23

LC record available at <https://lcn.loc.gov/2017053835>

ISBN: HB: 978-1-84946-724-7
ePDF: 978-1-50992-101-0
ePub: 978-1-50992-102-7

Typeset by Compuscript Ltd, Shannon

To find out more about our authors and books visit www.hartpublishing.co.uk.
Here you will find extracts, author information, details of forthcoming events
and the option to sign up for our newsletters.

Foreword

As this splendid collection of essays—the last in a series concerning defences in private law—makes plain, the difficulty one immediately encounters in considering defences in equity is in defining what it means to have *a defence* in equity. Most common lawyers, including me, were trained to recognise certain conventional doctrines as affording a ‘defence’: unclean hands, for example (*Jones v Lenthall* (1669) 1 Ch Cas 154; 22 ER 739), or laches (*Smith v Clay* (1767) Amb 645; 27 ER 419), and illegality of transaction (*Quarrier v Colston* (1842) 1 Ph 147; 41 ER 587) or of purpose (*Nelson v Nelson* (1995) 184 CLR 538). (To which list Canadians might wish to add want of causation, in reliance on Peter Turner’s contribution to the collection, and on my court’s decision in *Canson Enterprises Ltd v Boughton & Co* [1991] 3 SCR 534.) As I listened to the various papers being presented at Jesus College, Oxford last January, however, I was struck by how impoverished an understanding this may be of what comprises the list of equitable defences.

Just as an example, Robert Stevens’s paper on equitable set-off led me to reflect on a decision of my court that I used to teach as a civil procedure instructor, *Holt v Telford* [1987] 2 SCR 193. There, A agreed to exchange land parcels, under which agreement A granted a mortgage to B of \$150,000, and B granting a mortgage to A of \$100,000. B assigned its rights under the mortgage to C, who sued A for payment. A pleaded legal set-off (unsuccessfully, since the assignment destroyed any mutuality of cross-obligations). Its plea of equitable set-off, however, succeeded. Citing the British Columbia Court of Appeal in *CIBC v Tuckerr Industries Inc* (1983) 149 DLR (3d) 172, the court explained that a set-off in equity can exist in the absence of mutuality of cross-obligations.

Is, then, equitable set-off a defence? The prevailing view on this side of the Atlantic (or, at least in Alberta, from which *Holt* originated) suggests that it is not, because it is asserted by counterclaim. But Stevens’s arguments cast this view into some doubt, since the counterclaim is parasitic to the original claim. And so, recalling *Holt*, the only reason A could claim set-off against C was that A had been sued on a transaction which the court described as ‘closely connected’ to a reciprocal transfer. Since each obligation would not have existed without the other, denying set-off would in effect be tantamount to enforcing only one side of their agreement.

Similarly provocative and original insights emerge from the other papers. Each is characterised by admirable doctrinal rigour, sensitivity to taxonomy and careful examination of judgments from across the Commonwealth. Collectively, they speak to the vitality and ambition of the scholarship in the field. My thanks and congratulations to Professors Davies, Douglas and Goudkamp and all the distinguished contributors.

Russell Brown
Justice of the Supreme Court of Canada and
Honorary Professor of Law, University of Alberta

Preface

We have incurred several debts of gratitude in connection with this volume. Jesus College provided significant financial support for the project and the venue for the workshop at which most of the chapters that form this volume were presented. Support was also provided by All Souls College, Hart Publishing, the OUP John Fell Fund, the Oxford Law Faculty and the Society of Legal Scholars' Small Projects and Events Fund. We are very pleased to have welcomed as observers at the workshop Robert Chambers, David Cheifetz, Birke Häcker, Ben McFarlane and Frederick Wilmot-Smith. We are particularly grateful to the Hon Justice Russell Brown of the Supreme Court of Canada for travelling to Oxford in order to participate in the workshop and for writing the foreword. Finally, we acknowledge with thanks the support that we had from the following research assistants: Manuel González, Václav Janeček, Daniel Judd, Jia Wei Lee and Zhicheng Wu.

Paul S Davies
Simon Douglas
James Goudkamp
1 September 2017

Contents

<i>Foreword</i>	v
<i>Preface</i>	vii
<i>Contributors</i>	xi
<i>Table of Cases</i>	xiii
<i>Table of Statutes</i>	xliii
<i>Table of Delegated Legislation</i>	xlix
1. Introduction	1
PAUL S DAVIES, SIMON DOUGLAS AND JAMES GOUDKAMP	
2. Equitable Defences as Meta-Law	17
HENRY E SMITH	
3. Set-Off and the Nature of Equity	41
ROBERT STEVENS	
4. Purchase for Value Without Notice	53
DAVID FOX	
5. Beneficiaries' Consent to Trustees' Unauthorised Acts	81
YING KHAI LIEW AND CHARLES MITCHELL	
6. Breach of Fiduciary Duty: Consent and Prior Court Authorisation	99
SIMONE DEGELING	
7. Exemption Clauses in Trusts	121
PHILIP SALES	
8. Professional Advice	137
MICHAEL ASHDOWN	
9. Want of Causation as a Defence to Liability for Misapplication of Trust Assets	155
PG TURNER	
10. Laying the Axe to the Root of the Tree? Shielding a Co-trustee from Liability	183
JOSHUA GETZLER	
11. Marshalling Marshalling	219
CHRISTOPHER HARE	
12. Illegality in Equity	249
PAUL S DAVIES	

13.	The Future of Clean Hands	267
	NICHOLAS J McBRIDE	
14.	‘Not Slavishly Nor Always’—Equity and Limitation Statutes	293
	MARK LEEMING	
15.	The Importance of Being Earnest: The Doctrines of Laches and Acquiescence.....	311
	LUSINA HO	
<i>Index</i>		331

Contributors

Michael Ashdown is a barrister at Wilberforce Chambers and Lecturer in Law at Somerville College, Oxford.

Paul S Davies is Professor of Commercial Law at University College London.

Simone Degeling is Professor of Law at UNSW Australia.

Simon Douglas is a Fellow of Jesus College, Oxford, and an Associate Professor of Law, University of Oxford.

David Fox is Professor of Common Law at the University of Edinburgh.

Joshua Getzler is a Fellow of St Hugh's College, Oxford, and Professor of Legal History, University of Oxford.

James Goudkamp is a Fellow of Keble College, Oxford, and Professor of the Law of Obligations, University of Oxford. He is also a barrister at 7 King's Bench Walk.

Christopher Hare is a Fellow of Somerville College, Oxford, and Travers Smith Associate Professor of Corporate and Commercial Law, University of Oxford.

Lusina Ho is Harold Hsiao-Wo Lee Professor in Trust and Equity, University of Hong Kong.

The Hon Justice Mark Leeming is a Judge of Appeal of the Supreme Court of New South Wales.

Ying Khai Liew is Senior Lecturer in Law at University of Melbourne.

Nicholas J McBride is a Fellow of Pembroke College, Cambridge.

Charles Mitchell FBA is a Professor of Law at University College London.

Sir Philip Sales is a Lord Justice of Appeal.

Henry E Smith is the Fessenden Professor of Law at Harvard Law School.

Robert Stevens is Herbert Smith Freehills Professor of English Private Law, University of Oxford.

PG Turner is a University Lecturer, and a Fellow of St Catharine's College, in the University of Cambridge.

Table of Cases

AUSTRALIA

Ability One Financial Management Pty Ltd v JB by his Tutor AB [2014] NSWSC 245; 11 ASTLR 155	110–111
ACES Sogutlu Holdings Pty Ltd (in liq) v Commonwealth Bank of Australia [2014] NSWCA 402; (2014) 89 NSWLR 209; 110 ACSR 1, 17 BPR 33653	156
Across Australia Finance Pty Ltd v Kalls [2008] NSWSC 783; 3 BFRA 205	221, 235
AEW v BW [2016] NSWSC 905	118
Agricultural Land Management Ltd v Jackson (No 2) [2014] WASC 102; (2014) 48 WAR 1; 98 ACSR 615; 285 FLR 121.....	156, 158, 164, 166, 168, 169, 304
Albion Insurance Co Ltd v Government Insurance Office (NSW) (1969) 121 CLR 342; (1970) ALR 441 (HCA).....	197
Alec Finlayson Pty Ltd v Royal Freemason Benevolent Institution of New South Wales Nominees Ltd [2013] NSWSC 1168.....	299
Angelides v James Stedman Hendersons Sweets Ltd [1927] HCA 34; (1927) 40 CLR 43; 34 ALR 127 (HCA).....	273
Application by Karellas Investments Pty Ltd [2016] NSWSC 1578	103
Application by Marilyn Joy Cottee re Estate of Gwyneth Shirley Smith [2013] NSWSC 47.....	103, 104, 105, 114
Application of Gnitekram Marketing Pty Ltd [2010] NSWSC 1328	103, 104
Application of Perpetual Trustee Company Ltd, Re [2003] NSWSC 1185	103
Application of the NSW Trustee & Guardian, In the [2014] NSWSC 423	101, 103–104, 105
Arakella Pty Ltd v Paton [2004] NSWSC 13; (2004) 60 NSWLR 334	108
ASIC v Citigroup Global Markets Australia Pty Ltd (No 4) [2007] FCA 963; (2007) 160 FCR 35; 241 ALR 705; 62 ACSR 427	100
Associated Alloys Pty Ltd v Metropolitan Engineering and Fabrications Pty Ltd [2000] HCA 25; (2000) 171 ALR 568; 202 CLR 588; 74 ALJR 862	226
Australian Careers Institute Pty Ltd v Australian Institute of Fitness Pty Ltd [2016] NSWCA 347; 340 ALR 580.....	113
Australian Iron & Steel Ltd v Hoogland [1962] HCA 13; (1962) 108 CLR 471; (1962) ALR 842	306
Australian Securities and Investments Commission v Cassimatis (No 8) [2016] FCA 1023; 336 ALR 209	189, 214
Auzhair Suplies Pty Ltd (in liq), Re [2013] NSWSC 1; 92 ACSR 554; 272 FLR 304	307, 309
Auzhair Suplies Pty Ltd v Roy Gerace & Ors [2014] HCASL 231	308
Baburin v Baburin (No 2) [1991] 2 Qd R 240.....	320
Bank of New South Wales v City Mutual Life Assurance Society Ltd [1969] VR 556	235, 242, 244
Barescape Pty Ltd v Bacchus Holdings Pty Ltd (No 9) [2012] NSWSC 984	100, 111, 112, 114

Barker v Duke Group Ltd (in liq) [2005] SASC 81; 91 SASR 167	306
Belan v Casey [2003] NSWSC 159; 57 NSWLR 670; 46 ACSR 113	212
Birchnell v Equity Trustees and Agency Co Ltd (1929) 42 CLR 384; 3 ALJR 236; (1929) ALR 273 (HCA)	99, 113
Blackmagic Design Pty Ltd v Overliese [2011] FCAFC 24; (2011) 191 FCR 1; 276 ALR 646	100, 111, 112
Bofinger v Kingsway Group Ltd [2009] HCA 44; (2009) 239 CLR 269; 83 ALJR 1210; 260 ALR 71	242
Bondi Securities Pty Ltd v AGC (Advances) Ltd, unreported, 31 August 1990, NSWSC	232
Boyns v Lackey (1958) 58 SR(NSW) 395	321
Breen v Williams (1996) 186 CLR 71; 35 NSWLR 522; 138 ALR 259; 43 ALD 481 (HCA)	99, 100, 101, 106, 113, 115
Brodie v Singleton Shire Council [2001] HCA 29; 206 CLR 512; 75 ALJR 992; 180 ALR 145	299
Bulli Coal Mining Co v Osborne [1899] AC 351 (PC (Aust))	302
Burke v LFOT Pty Ltd (2002) 209 CLR 282; 76 ALJR 749; 187 ALR 612; 178 FLR 161 (HCA)	197, 211
Byrnes v Kendle [2011] HCA 26, (2011) 243 CLR 253; 85 ALJR 798; 279 ALR 212; 4 ASTLR 260	81, 85, 116, 324
C v W (No 2) [2016] NSWSC 945	111, 119
CAN 077 991 890 Pty Ltd v National Australia Bank Ltd [2007] NSWSC 358	239
Chan v Zacharia [1984] HCA 36; (1984) 154 CLR 178; 58 ALJR 353; 53 ALR 417 (HCA)	113
Chase Corporation (Australia) Pty Ltd v North Sydney Brick and Tile Co Ltd (1994) 35 NSWLR 1; 12 ACLC 997; 14 ACSR 586	232, 233, 235
Citicorp Australia Ltd v McLoughney (1984) 35 SASR 375	234
Clay v Clay [2001] HCA 9; (2001) 202 CLR 410; 75 ALJR 528; 178 ALR 193	111
Cohen v Cohen (1929) 42 CLR 91	304
Commissioner of Stamp Duties v Livingston [1965] AC 694 (PC); [1960] HCA 94; (1960) 107 CLR 411; (1961) ALR 534 (HCA)	188
Commonwealth v Cornwell [2007] HCA 16; 229 CLR 519; 81 ALJR 933; 234 ALR 148; 61 ACSR 118	302–303
Commonwealth Bank of Australia v Barker [2014] HCA 32; 253 CLR 169; 88 ALJR 814; 312 ALR 356; 244 IR 425	299
Commonwealth Bank of Australia v Smith (1991) 42 FCR 390; 102 ALR 453 (FCA)	99, 100, 111, 113, 115
Commonwealth Trading Bank v Colonial Mutual Life Assurance Society Ltd [1970] Tas SR 120	233, 235, 239, 240, 241
Consul Development Pty Ltd v DPC Estates Pty Ltd [1975] HCA 8; 132 CLR 373; 49 ALJR 74; 5 ALR 231	301
Crawley v Short [2009] NSWCA 410; (2009) 262 ALR 654; 76 ACSR 286	317, 318
Crossman v Sheahan [2016] NSWCA 200	111
Dawson (dec'd), Re; Union Fidelity Trustee Co Ltd v Perpetual Trustee Co Ltd [1966] 2 NSWLR 211; (1966) 84 WN (Pt 1) (NSW) 399	161, 165, 166, 168
Deakin v Webb [1904] HCA 57; (1904) 1 CLR 585; 10 ALR 237	164
Deta Nominees Pty Ltd v Viscount Plastic Products Pty Ltd [1979] VR 167	232
Dion Investments Pty Ltd, Re [2014] NSWCA 367; (2014) 87 NSWLR 753; 11 ASTLR 574; 10 BFRA 15	87, 89, 91, 94–95, 107, 108, 109

Downie v Langham [2017] NSWSC 113	119
Duke Group Ltd (in liq) v Alamain Investments Ltd [2003] SASC 415; 232 LSJS 58	306
Elnic Holdings Pty Ltd v New Wave Development (NSW) Pty Ltd [2005] NSWSC 1226	235
Esanda Finance Corporation Ltd v Plessnig (1989) 63 AJLR 238	226
Estate Late Chow Cho-Poon, Re [2013] NSWSC 844; 10 ASTLR 251	101, 104, 105
Farah Constructions Pty Ltd v Say-Dee Pty Ltd [2007] HCA 22; (2007) 230 CLR 89; 81 ALJR 1107; 236 ALR 209; 2 BFRA 85	100, 112, 301
Finance Corporation of Australia Ltd v Bentley [1991] NSWCA 94, (1991) 5 BPR 11,833	226, 238
Fistar v Riverwood Legion and Community Club Ltd [2016] NSWCA 81; 91 NSWLR 732; 18 BPR 35799	295
Fitzgerald v Masters [1956] HCA 53; (1956) 95 CLR 420	320
Fomsgard v Fomsgard [1912] VLR 209 (SC)	108, 113, 114, 119
Friend v Booker [2009] HCA 21; (2009) 239 CLR 129; 83 ALJR 724; 255 ALR 601; 72 ACSR 1 (HCA)	197, 235
Fysh v Page [1956] HCA 13; (1956) 96 CLR 233, [1956] ALR 474	319
Gerace v Auzhair Supplies [2014] NSWCA 181; 87 NSWLR 435; 310 ALR 85; 100 ACSR 465	306–308, 309
Glasson v Fuller [1922] SASR 148	324, 325
Glazier Holdings Pty Ltd v Australian Men's Health Pty Ltd [No 2] [2001] NSWSC 6	159
Gonzales v Claridades [2003] NSWCA 227; (2003) 58 NSWLR 211	107
Goodwin v Duggan (1996) 41 NSWLR 158	211, 212
Grimaldi v Chameleon Mining NL (No 2) [2012] FCAFC 6; (2012) 200 FCR 296; 287 ALR 22; 87 ACSR 260 (FCA)	188
Hancock v Rinehart [2015] NSWSC 646, 106 ACSR 207, 13 ASTLR 1	93
Harb v Harb [2010] NSWSC 1251, 17 BPR 33295	93
Hart Security Australia v Boucousis [2016] NSWCA 307; 339 ALR 659; 117 ACSR 348	113
Hasler v Singtel Optus Pty Ltd [2014] NSWCA 266; (2014) 87 NSWLR 609; 311 ALR 494; 101 ACSR 167	100, 111, 112, 302
Hewitt v Henderson [2006] WASCA 233	306
Hodges v Waters (No 7) [2015] FCA 264; (2015) 232 FCR 97; 325 ALR 682	104, 115
Holland, Re (1928) 28 SR (NSW) 369; 45 WN 88	228
Hospital Products Ltd v United States Surgical Corp (1984) 156 CLR 41; 58 ALJR 587; 55 ALR 417; 4 IPR 291 (HCA)	99, 101, 113
Hourigan v Trustees Executors and Agency Co Ltd [1934] HCA 25; (1934) 51 CLR 619	318, 319, 320
Howard v Federal Commissioner of Taxation [2014] HCA 21, (2014) 253 CLR 83; 88 ALJR 667; 309 ALR 1; 92 ATR 38	113
Hughes v Schofield [1975] 1 NSWLR 8	319
Issa v Issa [2015] NSWSC 112	306, 308
James N Kirby Foundation v Attorney-General NSW [2004] NSWSC 1153, (2004) 62 NSWLR 276; 213 ALR 366; 58 ATR 192	107
Jenkins v Brahe & Gair (1902) 27 VLR 643	235
John Holland Pty Ltd v Victorian Workcover Authority [2009] HCA 45; 239 CLR 518; 83 ALJR 1230; 260 ALR 95; 189 IR 190	295
John Pfeiffer Pty Ltd v Rogerson [2000] HCA 36; 203 CLR 503; 74 ALJR 1109; 172 ALR 625	296
Kelly v Willmott Forests Ltd (in liq) [2012] FCA 1446; (2012) 300 ALR 675	115

Lallemand and Stevenson v Brown and Swan [2014] ACTSC 235; 9 ACTLR 313.....	295
Lamshed v Lamshed [1963] HCA 60; (1963) 109 CLR 440; [1964] ALR 321.....	320, 322
Lavin v Toppi [2015] HCA 4; (2015) 254 CLR 459; 89 ALJR 302; 316 ALR 366;	
10 BFRA 113 (HCA)	197
Lewis v Condon [2013] NSWCA 204; (2013) 85 NSWLR 99; 304 ALR 410;	
11 ASTLR 421	88
Lowe v Sze Tu [2015] HCA Trans 179.....	308
Macedonian Orthodox Community Church St Perka Inc v His Eminence Petar The Diocesan Bishop of the Macedonian Orthodox Diocese of Australia and New Zealand [2008] HCA 42; (2008) 237 CLR 66; 82 ALJR 1425;	
249 ALR 250; 1 ASTLR 1.....	101, 103, 104, 105
Maguire v Makaronis [1997] HCA 23; (1997) 188 CLR 449; 71 ALJR 781;	
144 ALR 729.....	100, 101, 111, 112, 113
Marks v GIO Australia Holdings Ltd [1998] HCA 68; (1998) 196 CLR 494;	
73 ALJR 12; 158 ALR 333.....	168
MB v Protective Commissioner [2000] NSWSC 717; (2000) 50 NSWLR 24	111
McGrath & Anor (in their capacity as liquidators of HIH Insurance Ltd), Re [2010] NSWSC 404; 266 ALR 642; 266 A Crim R 642; 78 ACSR 405	114
McLean v Burns Philp Trustee Co Pty Ltd (1985) 2 NSWLR 623 (SC)	101, 105
McNally v Harris [2008] NSWSC 659; 1 ASTLR 549	212
Metacel Pty Ltd v Ralph Symonds Ltd [1969] 2 NSWLR 201, (1969) 90 WN (Pt 1) (NSW) 449	302, 303
Miles v Official Receiver in Bankruptcy [1963] HCA 24; (1963) 109 CLR 501;	
20 ABC 214; 37 ALJR 86.....	221, 228, 235, 237, 239, 242
Miller v Cameron [1936] HCA 13; (1936) 54 CLR 572; (1936) ALR 301 (HCA).....	214
Miller v Miller [2011] HCA 9; 242 CLR 446; 85 ALJR 480; 275 ALR 611	306
Mir Bros Projects Pty Ltd v Lyons [1977] 2 NSWLR 192	235
Muhling v Perpetual Trustees WA Ltd [2001] WASC 225	92
Muschinski v Dodds [1985] HCA 78; (1985) 160 CLR 583; 60 ALJR 52;	
62 ALR 429; 11 Fam LR 930.....	241
National Trustees Executors and Agency Co of Australasia Ltd v Dwyer [1940] HCA 5; (1940) 63 CLR 1; (1940) ALR 86.....	176
Naxatu Pty Ltd v Perpetual Trustee Company Ltd [2012] FCAFC 163;	
207 FCR 502; 295 ALR 9; 92 ACSR 131.....	233, 235, 237, 239, 240, 241, 242, 245, 247
Nelson v Nelson [1995] HCA 25; (1995) 184 CLR 538; 33 NSWLR 740;	
70 ALJR 47; 132 ALR 133.....	v, 259, 272, 306
Nguyen v Nguyen [1990] HCA 9; (1990) 169 CLR 245; [1990] 2 Qd R 153;	
91 ALR 161.....	162
Nicholson Street Pty Ltd v Letten and Lane [2016] VSCA 157	211
Nolan v Nolan [2004] VSCA 109	301
Nowell v Palmer [1993] NSWCA 199; (1993) 32 NSWLR 574	318
Oamington Pty Ltd v Commissioner of Land Tax (1997) 98 ATC 5051	233, 245
O'Halloran v RT Thomas & Family Pty Ltd [1998] NSWSC 596;	
(1998) 45 NSWLR 262; 12 ACLC 1705; 29 ACSR 148.....	180
Orr v Ford [1989] HCA 4; (1989) 167 CLR 316; 84 ALR 146.....	15, 319, 320, 324, 325, 328
Paloto Pty Ltd v Herro [2015] NSWSC 445.....	107
Permanent Building Society (in liq) v Wheeler (1994) 11 WAR 187; 12 ACLC 674;	
14 ACSR 109 (SC).....	116

Perpetual Investment Management Ltd, Re [2011] NSWSC 133	103, 104
Perpetual Trustees Victoria Ltd v Barns [2012] VSCA 77; 34 VR 387; 10 ASTLR 98	92
Pilmer v Duke Group Ltd (in liq) [2001] HCA 31; (2001) 207 CLR 165; 75 ALJR 1067; 180 ALR 249; 38 ACSR 122; 49 ATR 324	99, 113
Perera v Genworth Financial Mortgage Insurance Pty Ltd [2017] NSWCA 19; 94 NSWLR 83	295
Perpetual Custodians Ltd as custodian for Tamoran Pty Ltd as trustee for Michael Crivelli v IOOF Investment Management Ltd [2013] NSWCA 231; 304 ALR 436; 31 ACLC 13-034; 8 BFRA 640; 278 FLR 49	305
Perpetual Executors and Trustees Association of Australia, Ltd v Swan [1898] AC 763 (PC (Aus))	214
R v McNeil [1922] HCA 33; (1922) 31 CLR 76	302, 308
Raftland Pty Ltd v Commissioner of Taxation [2006] FCA 109; (2006) 227 ALR 598; 62 ATR 49	116
Riddle v Riddle [1952] HCA 12; (1952) 85 CLR 202; (1951) 68 WN (NSW) 201; (1952) ALR 167 (HCA)	107, 108, 109
Rizeq v Western Australia [2017] HCA 23; 91 ALJR 707; 344 ALR 421	297
Sarge Pty Ltd v Cazihaven Homes Pty Ltd (1994) 34 NSWLR 658	233, 239, 241
Savage v Lunn [1998] NSWCA 203	317
Savage v Lunn (No 2) [1998] NSWCA 204	318
Scott (decd), Re [1948] SASR 193 (SC)	115
Scott v Scott [1963] HCA 65; (1963) 109 CLR 649; [1964] VR 300; (1964) ALR 946	96
Secretary, Department of Health and Community Services v JWB and SMB (Marion's Case) [1992] HCA 15; (1992) 175 CLR 218; 66 ALJR 300; 106 ALR 385; 15 Fam LR 392 (HCA)	110
Smith v Smith [2017] NSWSC 408	119
Spellson v George (1992) 26 NSWLR 666	81, 314
Stein v Sybmore Holdings Pty Ltd [2006] NSWSC 1004; 64 ATR 325	108–109
Streeter v Western Areas Exploration Pty Ltd (No 2) [2011] WASCA 17; (2011) 278 ALR 291; 29 ACLC 11-012; 82 ACSR 1	316
Swan v Perpetual Executors and Trustees Association of Australia Ltd (1897) 23 VLR 293	325
Sze Tu v Lowe [2014] NSWCA 462; (2014) 89 NSWLR 317	301, 308
Takemura v National Australia Bank Ltd [2003] NSWSC 339; 11 BPJR 21,185	235
Templeton v Leviathan Pty Ltd [1921] HCA 55; (1921) 30 CLR 34; [1922] VLR 90 (HCA)	107
Thompson v Australian Capital Television Pty Ltd [1996] HCA 38; (1996) 186 CLR 574; 71 ALJR 131; 141 ALR 1 (HCA)	211
Tickle v Tickle (1987) 10 NSWLR 581 (SC)	101, 107
United Dominions Corp v Brian Pty Ltd [1985] HCA 49; (1985) 157 CLR 1; 59 ALJR 676; 60 ALR 741	100
Uniting Church in Australia Property Trust (NSW) v Miller [2015] NSWCA 320; 91 NSWLR 752; 212 LGERA 230	305
Walton Stores (Interstate) Ltd v Maher [1988] HCA 7; (1988) 164 CLR 387; 62 ALJR 110; 76 ALR 513	326
Warman International Ltd v Dwyer [1995] HCA 18; (1995) 182 CLR 544; 128 ALR 201; 46 IR 250 (HCA)	102, 113
Wentworth v Tompson (1859) 2 Legge (NSW) 1238	211
Westpac Banking Corp v Bell Group Ltd (No 3) [2012] WASCA 157; 44 WAR 1; 89 ACSR 1; 270 FLR 1	94

Westpac Banking Corporation v Daydream Island Pty Ltd [1985] 2 Qd 330	245
Westpac Banking Corporation Ltd v Kingsland (1991) 26 NSWLR 700	234
Williams v Minister, Aboriginal Land Rights Act 1983 (1994) 35 NSWLR 497 (CA)	306
Wilson v Winton [1969] Qd R 536	321
Young v Murphy [1996] 1 VR 279; 12 ACLC 558; 13 ACSR 722.....	211
Youyang Pty Ltd v Minter Ellison Morris Fletcher [2003] HCA 15; (2003) 212 CLR 484; 77 ALJR 895; 196 ALR 482	10, 90, 113, 156, 161, 164, 166, 167–168, 169, 170, 171, 172, 177, 179, 180, 182
Zheng v Cai [2009] HCA 52; 239 CLR 446; 84 ALJR 80; 261 ALR 481	309

CANADA

Air Products Canada Ltd v Schmidt [1994] 2 SCR 611; [1994] 8 WWR 305; 168 NR 81	87
Butler Engineering Ltd v First Investors Corporation [1986] 1 WWR 469; 65 AR 135; 40 Alta LR (2d) 333	246
Canadian Imperial bank of Commerce v Tuckerr Industries Inc (1983) 149 DLR (3d) 172; [1983] 5 WWR 602; 46 BCLR 8, BC CA.....v	
Canson Enterprises Ltd v Boughton & Co [1991] 3 SCR 534; 85 DLR (4th) 129; [1992] 1 WWR 245.....v,	161
Devoe v Long [1951] 1 DLR 203 (New Brunswick CA).....	280
Ernst Bros Co v Canadian Permanent Mortgage Corporation (1920) 57 DLR 500; 48 OLR 407 (ON CA).....	235
Farm Credit Corp v Nelson (1993) 102 DLR (4th) 743; [1993] 6 WWR 518; 110 Sask R 287 (SK QB)	235
First Investors Corporation Ltd v Veeradon Developments Ltd 1988 ABCA 38; (1988) 47 DLR (4th) 446; [1988] 3 WWR 254; 57 Alta LR (2d) 104	235
Forbes v Git [1922] 1 AC 256 (PC (Can))	128
Hall v Hebert [1993] 2 SCR 159; [1993] 4 WWR 113; 152 NR 321 (SCC) 165.....	251
Holt v Telford [1987] 2 SCR 193; [1987] 6 WWR 385; 81 AR 385 (SCC)	v
KM v HM (1993) 96 DLR (4th) 289; 142 NR 321; 57 OAC 321 (SCC)	306
Lindsay Petroleum Co v Hurd (1874) LR 5 PC 221 (PC (Can))	312, 316, 317, 318, 319, 320, 321
McHugh v Union Bank of Canada [1913] AC 299 (PC (Can)).....	234
Seel Investments Ltd v Greater Canadian Securities Corporation Ltd (1967) 65 DLR (2d) 45; [1967] 2 OR 673 (ON SC)	235
Semelhago v Paramadevan [1996] 2 SCR 415; 197 NR 379; 91 OAC 379 (SCC).....	282
Sutherland v Hudson's Bay Co (2005) 74 OR (3d) 608; [2005] OJ No 1455 (QL) (ON SC)	92
Taylor v Davies [1920] AC 636; 89 LJPC 65 (PC (Can)).....	300, 301
Williamson v Loonstra (1973) 34 DLR (3d) 275 (BC SC)	235

CAYMAN ISLANDS

Z Trust, Re; sub nom MEP v Rothschild Trust Cayman Ltd [2011] WTLR 735; 13 ITELR 843; [2009] CILR 593 (Grand Court (Cayman Islands)).....	91
--	----

HONG KONG

Hayim v Citibank NA [1987] AC 730; [1987] 3 WLR 83; (1987) 131 SJ 660 (PC (HK))..	91
Hotung v Ho Yuen Ki [2002] 3 HKLRD 641.....	93

HSBC Bank (China) Ltd v Yip Kim Po [2008] HKCFI 424; [2008] 5 HKC 224; [2008] 4 HKLRD 583	243
Libertarian Investments Ltd v Hall [2013] HKCFA 93; (2013) 16 HKCFAR 681; [2014] 1 HKC 368	96, 157, 158, 159
On Faith Woollen Weaving Factory v Star Industrial Corporation [1968] HKDC 8.....	227
Peconic Industrial Development Ltd v Lau Kwok Fai [2009] HKCFA 16; [2009] 5 HKC 135; [2009] 2 HKLRD 537; (2009) 12 HKCFAR 139	300
Tang Ying Loi v Tang Ying Yip [2017] HKCFA 3; [2017] 2 HKC 502.....	96

JERSEY

Esteem Settlement, Re [2003] JRC 092; 2003 JLR 188; [2004] WTLR 1; 6 ITELR 368	88
IMK Family Trust, Re; Mubarak v Mubarik [2008] JRC 136; [2009] 1 FLR 664.....	92

NEW ZEALAND

Adams and Buchanan as Liquidators of Starplus Homes Ltd (In Liquidation) v Sun [2014] NZHC 912.....	235, 238, 243, 245
Attorney General for Hong Kong v Reid [1994] 1 AC 324; [1993] 3 WLR 1143; [1994] 1 All ER 1 (PC (NZ))	254
Bissett v Australia and New Zealand Banking Corporation [1961] NZLR 687.....	235
Cheah Theam Swee v Equiticorp Finance Group Ltd [1992] 1 AC 472; [1992] 2 WLR 108; [1991] 4 All ER 989 (PC (NZ))	220, 233
Downview Nominees Ltd v First City Corporation Ltd [1993] AC 295; [1993] 2 WLR 86; [1993] 3 All ER 626 (PC (NZ))	223, 233, 234, 237, 240
Eastern Services Ltd v No 68 Ltd [2006] NZSC 42; [2006] 3 NZLR 335	317
Ebbett, Re [1974] 1 NZLR 392 (SC).....	108, 113, 114, 119
Farrington v Rowe McBride & Partners (1985) 1 NZLR 83 (CA)	113
Jacomb v Wikeley [2013] NZHC 707.....	232, 235, 243
Johns v Johns [2004] NZCA 42; [2004] 3 NZLR 202	305
KBL Investments Ltd v KBL Courtenay Ltd [2016] NZCA 227	157
MFT Properties Ltd v Country Club Apartments Ltd [2012] NZHC 1116	235
Napier v Waimana Investments Ltd [2017] NZHC 265	235
National Bank of New Zealand Ltd v Caldesia Promotions Ltd and Jenkins Roberts & Associates Ltd [1996] 3 NZLR 467	235, 242
New Zealand Associated Refrigerated Food Distributors Ltd v Simpson [2008] NZHC 951	235, 237, 242
New Zealand Loan and Mercantile Agency Company Ltd v Loach (1912) 31 NZLR 292	222, 242
Official Assignee v Kirk [2006] NZHC 1359	228
Philips New Zealand Ltd, Re [1997] 1 NZLR 93 (HC).....	95
Reynolds, Re [2008] NZCA 122; [2008] 3 NZLR 45	88
Selkirk v McIntyre [2013] NZHC 575	187, 212
Tegel Foods Ltd v Coastal Cuisine NZ Ltd [2013] NZHC 899.....	220, 226, 235
Tremain, Re [1934] NZLR 369.....	235
Wright v Morgan [1926] AC 788 (PC (NZ)).....	96

SINGAPORE

Maryani Sadeli v Arjun Permanand Samtani [2014] SGCA 55; [2015] SLR 96.....	158
---	-----

UNITED KINGDOM

A v A [2007] EWHC 99 (Fam); [2007] 2 FLR 467; [2007] WTLR 1	88
A v B [2016] EWHC 340 (Ch); [2016] WTLR 745; [2016] 2 P & CR DG8	92
Abacus Trust Co (Isle of Man) Ltd v Barr [2003] EWHC 114 (Ch);	
[2003] Ch 409; [2003] 2 WLR 1362; [2003] 1 All ER 763	138, 139, 140, 148, 150
Abacus Trust Co (Isle of Man) Ltd v NSPCC [2001] STC 1344; [2001] WTLR 953;	
[2002] BTC 178 (Ch D).....	139
Abbey National Building Society v Cann [1991] 1 AC 56; [1990] 2 WLR 832;	
[1990] 1 All ER 1085 (HL).....	219
Abdulla v Birmingham City Council [2012] UKSC 47; [2013] 1 All ER 649;	
[2012] ICR 1419; [2013] IRLR 38	308
Adams v Taunton (1820) 5 Madd 435; 56 ER 961	85
Adamson, ex parte; Re Collie (1878) 8 Ch D 807 (CA)	176
Adamson v Paddico (267) Ltd [2014] UKSC 7; [2014] AC 1072; [2014] 2 WLR 300;	
[2014] 2 All ER 1	317
AIB Group (UK) plc v Mark Redler & Co Solicitors [2014] UKSC 58;	
[2015] AC 1503; [2014] 3 WLR 1367; [2015] 1 All ER 747.....	9, 10, 83, 90, 138, 156, 159, 161, 163, 164, 167, 170, 171, 172, 173, 174–175, 176, 177–179, 180, 181, 182, 219
Airey v Airey [1958] 2 QB 300; [1958] 1 WLR 729; [1958] 2 All ER 571 (CA)	306
Akers and others v Samba Financial Group [2017] UKSC 6; [2017] AC 424;	
[2017] 2 WLR 713; [2017] 2 All ER 799	77
Aldrich v Cooper (1803) 8 Ves 382; 32 ER 402	220, 224, 228, 230, 232
Allcard v Skinner (1887) 36 Ch D 145 (CA)	316, 318
Allen-Meyrick's Will Trusts, Re [1966] 1 WLR 499; [1966] 1 All ER 740;	
(1965) 109 SJ 957 (Ch D).....	146
Allsop, Re [1914] 1 Ch 1 (CA).....	90, 151
Alpstream AG v PK Airfinance Sarl [2013] EWHC 2370 (Comm); [2014] 1	
All ER (Comm) 441.....	234
Angel v Smith (1804) 9 Ves Jr 335; 32 ER 632	109
Anthony v Haney (1832) 8 Bing 186; 131 ER 372.....	280
Anon 1 Anderson 37; 123 ER 340	59
Anon YB (1455) Hil 33 Henry VI, pl 15, fol 5	64
Anon (c 1520) Richard Pollard's Notebook (2003) 120 Selden Society 135–[125] (CP)	58
Anon (c 1520) Roger Yorke's Notebook (2003) 120 Selden Society 141–[142]	60
Anon (1524) Roger Yorke's Notebook (2003) 120 Selden Society 138–[132]	59
Anon (1549) William Yelverton's Notebook (2004) 121 Selden Society	
347–[73] (CP)	55, 59
Anon (1557) Benloe 61; 123 ER 48	58, 59
Anon (1573) Dalison 88, pl 3; 123 ER 297.....	58
Anonymous (1679) 2 Ch Cas 5; 22 ER 819	220
Anon (1685) 1 Vern 318; 23 ER 494	71
Anton Durbeck GmbH v Den Norske Bank ASA [2005] EWHC 2497 (Comm);	
[2006] 1 Lloyd's Rep 93; [2005] 2 CLC 783	234
Arab, The (1859) 5 Jur (NS) 417	227, 230
Archbold v Scully (1861) 9 HLC 360; 11 ER 769	324
Aries Tanker Corporation v Total Transport Ltd [1977] 1 WLR 185; [1977]	
1 All ER 398; [1977] 1 Lloyd's Rep 334 (HL)	47, 48, 49

Armitage v Nurse [1997] EWCA Civ 1279; [1998] Ch 241; [1997] 3 WLR 1046; [1997] 2 All ER 705 (CA).....	7, 8, 90, 124–125, 126, 129, 130, 131, 133, 148, 217
Armstrong v Sheppard & Short Ltd [1959] 2 QB 384; [1959] 3 WLR 84; [1959] 2 All ER 651 (CA).....	272
Arnold v Britton [2015] UKSC 36; [2015] AC 1619; [2015] 2 WLR 1593; [2016] 1 All ER 1	126, 228
Asshurst v Mason (1875) LR 20 Eq 225 (VC).....	207–208
Aston v Aston (1750) 1 Ves Sen 396; 27 ER 1103	316
Attorney-General v Daugars (1864) 33 Beav 621; 55 ER 509	205
Attorney-General v Randell (1734) 21 Vin Abr 354 pl 9	199
A-G v Tyndall (1764) Amb 614; 27 ER 399.....	224, 230
Audley's Case (1579) 2 Leonard 160; 74 ER 442; (1558) 2 Dyer 166a; 73 ER 363	59
Automatic Bottle Makers Ltd, Re [1926] Ch 412 (CA)	219
Aveline v Melhuish (1864) 2 De G J & S 288; 46 ER 386	315
Averall v Wade (1835) L&G temp Sugd 252 (Ireland).....	231
Attorney General for Hong Kong v Reid [1994] 1 AC 324; [1993] 3 WLR 1143; [1994] 1 All ER 1	254
Bacon v Camphausen (1888) 58 TLR 851	209
Bacon v Clark (1837) 3 My & Cr 294; 40 ER 938	173
Baden's Deed Trusts, Re [1971] AC 424; [1970] 2 WLR 1110; [1970] 2 All ER 228 (HL).....	86
Bagum v Hafiz [2015] EWCA Civ 801; [2016] Ch 241; [2015] 3 WLR 1495; [2015] CP Rep 44.....	84
Bahin v Hughes (1886) 31 Ch D 390	208–209
Bailey v Angove's Pty Ltd [2016] UKSC 47; [2016] 1 WLR 3179; [2016] BPIR 1361; [2016] ECC 28	241
Bailey v Barnes [1894] 1 Ch 25 (CA)	73, 76
Baird v Queens Moat Houses plc [2001] EWCA Civ 712; [2001] 2 BCLC 531; [2002] BCC 91	180
Baker v R [1975] AC 774; [1975] 3 WLR 113; [1975] 3 All ER 55 (PC (Jam))	158
Ballejo v Wheeler (1774) 1 Cowp 143; 98 ER 1012.....	71
Bank of Credit and Commerce International (Overseas) Ltd v Akindele [2001] Ch 437; [2000] 3 WLR 1423; [2000] 4 All ER 221 (CA).....	79
Bank of Credit and Commerce International SA v Ali [2001] UKHL 8; [2002] 1 AC 251; [2001] 2 WLR 735; [2001] 1 All ER 961	129
Bank of Credit and Commerce International SA (No 8), Re [1998] AC 214; [1997] 3 WLR 909; [1997] 4 All ER 568 (HL).....	221, 226, 231, 236, 241, 243, 244, 245, 247
Banque Finance de la Cité SA v Parc (Battersea) Ltd [1999] 1 AC 221; [1998] 2 WLR 475; [1998] 1 All ER 737 (HL)	242
Barclay v Messenger (1874) 30 LT 351	318, 320
Barclays Bank Ltd v Attorney General [1944] AC 372; [1944] 2 All ER 208 (HL)	88
Barclays Bank Ltd v Quistclose Investments Ltd [1970] AC 567; [1968] 3 WLR 1097; [1968] 3 All ER 651 (HL).....	75
Barclays Bank v O'Brien [1994] 1 AC 180; [1993] 3 WLR 786; [1993] 4 All ER 417 (HL).....	76
Barclays Bank plc v Boulter [1999] 1 WLR 1919; [1999] 4 All ER 513; [2000] Lloyd's Rep Bank 29; [2000] CP Rep 16 (HL)	53
Barclays Bank plc v Boulter [1998] 1 WLR 1; [1997] 2 All ER 1002; [1997] 3 FCR 252 (CA).....	75

Barclays Bank Ltd v Quistclose Investments Ltd [1970] AC 567; [1968] 3 WLR 1097; [1968] 3 All ER 651 (HL).....	226
Barned's Banking Company, Re (1867) LR 4 Eq 458	238
Barnes v Addy (1874) LR 9 Ch App 244 (CA)	302
Barnes v Racster (1842) 1 Y&C Ch 401; 62 ER 944	229
Barnett v Creggy [2016] EWCA Civ 1004; [2017] Ch 273; [2017] 2 WLR 1054; [2017] CP Rep 3.....	156
Barnewall (1855) 6 De G M & G 801; 43 ER 1444.....	325
Barnsley v Noble [2016] EWCA Civ 799; [2017] Ch 191; [2017] 2 WLR 1231; [2016] WTLR 1501; [2016] All ER (D) 27 (Aug)	133
Barrett v Barrett [2008] EWHC 1061 (Ch); [2008] BPIR 817; [2009] WTLR 201; [2008] 2 EGLR 81.....	263
Bartlett v Barclays Bank Trust Co Ltd (No 2) [1980] Ch 515; [1980] 2 WLR 430; [1980] 2 All ER 92 (CA).....	152, 159, 168
Barton (Deceased), Re [2002] EWHC 264 (Ch); [2002] WTLR 469; (2001–02) 4 ITELR 715	82
Bassett v Nosworthy (1673) Rep temp Finch 102; 23 ER 55.....	65–66, 68
Bateman v Davis (1818) 3 Madd 98; 56 ER 446.....	84
Baynard v Woolley (1855) 20 Beav 583; 52 ER 792	211
Beasley v Darcy (1800) 2 Sch & Lef 403 (Ireland)	46–47
Belchier, ex parte; In the Matter of Parsons, Bankrupt (1754) Amb 218; 27 ER 144	197–198
Belchier v Parson (1754) Kenyon 38; 96 ER 908.....	71
Belemore v Watson (1885) 1 TLR 241	211
Bellamy v Sabine (1857) 1 De G & J 566; 44 ER 842.....	71
Bell's Indenture, Re [1980] 1 WLR 1217; [1980] 3 All ER 425; (1979) 123 SJ 322 (Ch D).....	210
Belmont Park Investments Pty Ltd v BNY Corporate Trustee Services Ltd [2011] UKSC 38; [2012] 1 AC 383; [2011] 3 WLR 521; [2012] 1 All ER 505	228, 244
Beloved Wilkes's Charity, Re (1851) 3 Mac & G 440; 42 ER 330.....	146
Beswick v Beswick [1968] AC 58; [1967] 3 WLR 932; [1967] 2 All ER 1197 (HL).....	282
Betjemann v Betjemann [1895] 2 Ch 474 (CA)	318, 323
Bibby Factors Northwest Ltd v HFD Ltd [2015] EWCA Civ 1908; [2016] 1 Lloyd's Rep 517; [2016] 2 BCLC 303.....	48, 49
Bilta (UK) Ltd v Nazir [2015] UKSC 23; [2016] AC 1; [2015] 2 WLR 1168; [2015] 2 All ER 1083	264
Birks v Mickelthwait (1864) 3 Beav 40; 55 ER 426	211
Bishop of Oxford v Leighton (1700) 2 Vern 376; 23 ER 837	85
Blackwood v Borrowes (1843) 4 Dr & War 441	211
Blake v Gale (1886) 32 Ch D 571	311, 316
Blundell, Re (1889) LR 40 Ch D 370	79
Blyth v Fladgate [1891] 1 Ch 337 (Ch D).....	210
Board of Management for Dundee General Hospital v Bell's Trustees 1952 SC (HL) 78; 1952 SLT 270; [1952] WN 180 (HL)	146
Boardman v Phipps [1967] 2 AC 46; [1966] 3 WLR 1009; [1966] 3 All ER 721 (HL).....	99, 113
Boissevain v Weil [1950] AC 327; [1950] 1 All ER 728; (1950) 94 SJ 319 (HL)	253
Bonney v Ridgard (1784) 1 Cox Eq Cas 145; 29 ER 1101.....	320
Booth v Booth (1838) 1 Beav 125; 48 ER 886	200, 211
Booth v Lord Warrington (1714) 4 Bro PC 163	302

Bostock v Blakeney (1794) 2 Bro CC 653, 656; 29 ER 362	96
Bovey v Skipwith (1671) 1 Ch Cas 201; 22 ER 762	222
Bovey v Smith (1682) 1 Vern 60; 23 ER 310	67, 71
BP Petroleum Development Ltd v Esso Petroleum Co Ltd 1987 SLT 345 (Ct of Sess (OH))	197
Brownell v Brownell (1786) 2 Bro CC 262; 29 ER 35	160
Brandlyn v Ord (1738) 1 Atk 571; 26 ER 539	67
Bray v Ford [1896] AC 44 (HL)	113
Brereton v Gamul (1741) 2 Atk 240; 26 ER 548	67
Brice v Stokes (1805) 11 Ves Jun 319; 32 ER 1111	199, 215, 314, 324
Brier, Re (1881) 26 Ch D 238	216
Brigham v Chambers (1880) OB&F 66	225
Bright v Legerton (1861) 2 De GF & J 606; 45 ER 755	204, 328
Bristol and West Building Society v Mothew [1998] Ch 1; [1997] 2 WLR 436; [1996] 4 All ER 698 (CA)	99, 113, 116
British Airways plc v Airways Pension Scheme Trustee Ltd [2017] EWHC 1191 (Ch); [2017] Pens LR 16	141–142, 143, 147, 148
Broadwood, Re [1911] 1 Ch 277	235, 237
Brockbank, Re [1948] Ch 206; [1948] 1 All ER 287; [1948] LJR 952	93
Brogden, Re (1888) LR 38 Ch D 546 (CA)	173, 203, 210
Bronson v Hewitt 2013 BCCA 367	170
Brotherton v Hatt (1706) 2 Vern 574; 23 ER 973	71
Brudenell-Bruce v Moore [2014] EWHC 3679 (Ch); [2015] WTLR 373	81, 314
Brudenell-Bruce, Earl of Cardigan v Moore [2012] EWHC 1024 (Ch); [2012] WTLR 931; 14 ITELR 967; [2012] 2 P & CR DG8	317
Brumridge v Brumridge (1858) 27 Beav 5; 54 ER 2	216
Bugden v Bignold (1843) 2 Y&C Ch 377; 63 ER 167	229
Bulli Coal Mining Co v Osborne [1899] AC 351 (PC (Aust))	302
Burge, Woodall & Co, Re, ex p Skyrme [1912] 1 KB 393	226
Burgh v Francis (1673) Rep temp Finch 29; 23 ER 16	220
Burrell v Burrell [2005] EWHC 245 (Ch); [2005] STC 569; [2005] Pens LR 289; [2005] WTLR 313	142
Burroughes v Abbott [1922] 1 Ch 86	317
Burrows v Walls (1855) 5 De GM & G 233; 43 ER 859	204
Bury (Abbot of) v Bokenham (1536) 1 Dyer 7b; 73 ER 19	55, 58, 62–63
Butler v Butler (1877) 5 Ch D 554	211
C v C (Ancillary Relief: Trust Fund) [2009] EWHC 1491 (Fam); [2010] 1 FLR 337; [2009] WTLR 1419; [2009] Fam Law 920	86
Caffrey v Darby (1801) 6 Ves Jun 488; 31 ER 1159	165
Caledonia North Sea Ltd v British Telecommunications plc [2002] UKHL 4; [2002] 1 All ER (Comm) 321; [2002] Lloyds Rep IR 261; 2002 SLT 278	197
Cardross's Settlement, Re (1878) 7 Ch D 728	84
Carl Zeiss Stiftung v Herbert Smith & Co (No 2) [1969] 2 Ch 276; [1969] 2 WLR 427; [1969] 2 All ER 367 (CA)	64
Carlen v Drury (1812) 1 Ves & Beam 154; 35 ER 61	203
Carruthers v Carruthers [1896] AC 659; (1896) 23 R (HL) 55; (1896) 4 SLT 98 (HL)	125
Carter v Barnadiston (1718) 1 P Wms 506; 24 ER 492	224
Cattley v Pollard [2006] EWHC 3130 (Ch); [2007] Ch 353; [2007] 3 WLR 317; [2007] 2 All ER 1086	300

Cavendish Square Holdings BV v El Makdessi [2015] UKSC 67; [2016] AC 1172; [2015] 3 WLR 1373; [2016] 2 All ER 519	126
Central Bank of Nigeria v Williams [2014] UKSC 10; [2014] AC 1189; [2014] 2 WLR 355; [2014] 2 All ER 489	10, 185–187, 189, 190, 299, 300, 301
Challinor v Juliet Bellis & Co [2015] EWCA Civ 59; [2016] WTLR 43; [2015] 2 P & CR DG3; [2015] All ER (D) 213 (Feb)	259
Chambers v Minchin (1802) 7 Ves Jun 186; 32 ER 76	199
Chapman v Chapman [1953] Ch 218; [1953] 2 WLR 94; [1953] 1 All ER 103 (CA)	91
Chapman v Chapman [1954] AC 429; [1954] 2 WLR 723; [1954] 1 All ER 798 (HL).....	90, 91, 101, 107
Charitable Corporation v Sutton (1742) 9 Mod 349; 88 ER 500; Atk 400; 26 ER 642	71, 72, 122, 130, 183, 194–196, 197
Chartbrook Ltd v Persimmon Homes Ltd [2009] UKHL 38; [2009] 1 AC 1101; [2009] 3 WLR 267; [2009] 4 All ER 677	228
Cheah Theam Swee v Equiticorp Finance Group Ltd [1992] 1 AC 472; [1992] 2 WLR 108; [1991] 4 All ER 989 (PC (NZ))	220, 233
Cheesebrough v Millard (1815) 1 Johns Chan 408	227
Cherry v Boulton (1838) 2 Keen 319; 48 ER 651 (Court of Chancery); (1839) 4 My & Cr 442; 41 ER 171 (Chancery Division).....	46
Chillingworth v Chambers [1896] 1 Ch 685 (CA).....	203, 210, 211, 314, 325, 326
China and South Sea Bank Ltd v Tan Soon Gin [1990] 1 AC 536; [1990] 2 WLR 56; [1989] 3 All ER 839 (PC (HK))	220, 232, 233, 240
Chioggia, The [1898] P 1 (PD & Ad)	227
Cholmondeley v Clinton (1821) 4 Bli 1; 4 ER 721	298
Chrimes, Re [1917] 1 Ch 30 (Ch D).....	94
Chudleigh's Case (Dillon v Freine) (1589–95) 1 Co Rep 120a; 76 ER 261	55, 56, 62, 63, 78
Churchill v Grover (1663–64) Nelson 89; 21 ER 797	67
Churchill v Lady Hobson (1713) 1 P Wms 241; 24 ER 370.....	194
Citibank NA v MBIA Assurance SA [2007] EWCA Civ 11; [2007] 1 All ER (Comm) 475; [2008] 1 BCLC 376, [2007] 1 CLC 113	91, 124, 134
Clark v Hoskins (1867) 36 LJ 689; (1868) 37 LJ Ch 561.....	213
Clarke v Clarke's Trustees 1925 SC 693; 1925 SLT 498 (Ct of Sess (IH, 1 Div)).....	125
Clarke v Hart (1858) 6 HL Cas 633; 10 ER 1443.....	311, 316
Clegg v Edmondson (1857) 8 De G M & G 787; 44 ER 593	322
Clements v Hall (1858) 2 De G & J 173; 44 ER 954	321
Clifton v Burt (1720) 1 PW 678; 24 ER 566	220, 224
Clough v Bond (1838) 3 My & Cr 490; 40 ER 1016	165
Clough v Dixon (1841) 10 Sim 564; 59 ER 734.....	204
Coaks v Boswell (No 1) (1886) 11 App Cas 232 (HL)	109
Cocker v Quayle (1830) 1 Russ & M 535; 39 ER 206.....	84
Coco v AN Clark (Engineers) Ltd [1969] RPC 41; [1968] FSR 415 (Ch D)	21
Coggs v Bernard (1703) 1 Salk 26; 2 Ld Raym 909; 92 ER 107.....	195, 196
Coke Upon Littleton, Co Litt 380b	316
Colchester Borough Council v Smith [1991] Ch 448; [1991] 2 WLR 540; [1991] 2 All ER 29, affirmed on appeal [1992] Ch 421; [1992] 2 WLR 728; [1992] 2 All ER 561 (CA).....	126
Collier v Collier [2002] EWCA Civ 1095; [2002] BPIR 1057; [2003] WTLR 617; (2003–04) 6 ITELR 270	261, 262–263, 264

Commissioner of Stamp Duties v Livingston [1965] AC 694; [1964] 3 WLR 963; [1964] 3 All ER 692 (PC (Aus)).....	188
Cooper, Re (1884) 27 Ch D 565	84
Cornwallis's Case (1595) Tothill 186; 21 ER 163.....	64
Costello v Chief Constable of Derbyshire Police [2001] EWCA Civ 381; [2001] 1 WLR 1437; [2001] 3 All ER 150; [2001] 2 Lloyd's Rep 216 (CA)	286
Cottingham v Lord Cornbury (1673) in Yale, Manual and Prolegomena (n 25) Ch XV, para 11	69
Cotton v Earl of Cardigan [2014] EWCA Civ 1312; [2015] WTLR 39.....	91
Coulthard v Disco Mix Club Ltd [2000] 1 WLR 707; [1999] 2 All ER 457; [1999] EMLR 434 (Ch D)	304
Courage Group's Pension Schemes, Re [1987] 1 WLR 495; [1987] 1 All ER 528; [1987] 1 FTLR 210 (ChD).....	84
Cowan de Groot Properties v Eagle Trust [1992] 4 All ER 700; [1991] BCLC 1045 (Ch D)	77
Crawford v Forshaw [1891] 2 Ch 261 (CA).....	85
Creggy v Barnett [2016] EWCA Civ 1004; [2017] Ch 273; [2017] 2 WLR 1054; [2017] PNLR 4.....	303
Cresswell v Dewell (1863) 4 Giff 460; 66 ER 787.....	314
Crofter Hand Woven Harris Tweed Co v Veitch [1942] AC 435; [1942] 1 All ER 142; 1942 SC (HL) 1 (HL).....	168
Cuckmere Brick Co Ltd v Mutual Finance Ltd [1971] 1 Ch 949; [1971] 2 WLR 1207; [1971] 2 All ER 633 (CA).....	234
Cukurova Finance Ltd v Alfa Telecom Ltd (No 4) [2013] UKPC 20; [2016] AC 923; [2015] 2 WLR 875; [2013] 4 All ER 936	293
Culpepper v Aston (1682) 2 Ch Cas 115; 22 ER 873.....	71, 222
Cuming v Kennedy (1707) Mor 4433	72
Dalame v Barnard (1557) 1 Plowden 346; 75 ER 525.....	63
Dann v Spurrier [1802] Eng R 233; (1802) 7 Ves Jr 231; 32 ER 94	324
Daraydan Holdings Ltd v Solland International Ltd [2004] EWHC 622 (Ch); [2005] Ch 119; [2004] 3 WLR 1106; [2005] 4 All ER 73	255
De Bussche v Alt (1878) 8 Ch D 286.....	314, 317, 324, 325, 326
Dearle v Hall (1828) Russ 1; 38 ER 475	219
Deeley v Lloyds Bank Ltd [1912] AC 756 (HL)	220
Deering v Earl of Winchelsea (1787) 2 Bos & P 270; 126 ER 1276	221
Dering v Earl of Winchelsea (1787) 1 Cox Eq 318; 29 ER 1184 (Exch of Pleas).....	33, 197, 267, 272, 286
Dhingra v Dhingra (1999–2000) 2 ITELR 262 (CA).....	88
Diggs v Boys (1598) Tothill 186; 21 ER 163	64
Diplock, Re [1948] Ch 465; [1948] 2 All ER 318; [1948] LJR 1670.....	75, 77
Dix v Burford (1854) 19 Beav 409; 52 ER 408	216
Dole Dried Fruit & Nut Co v Trustin Kerwood Ltd [1990] 2 Lloyd's Rep 309 (CA).....	48
Dolphin v Aylward (1869–1870) LR 4 HL 486.....	220, 224, 227, 229, 239, 244
Downsview Nominees Ltd v First City Corporation Ltd [1993] AC 295; [1993] 2 WLR 86; [1993] 3 All ER 626 (PC (NZ))	223, 233, 234, 237, 240
Dowse v Gorton [1891] AC 190 (HL).....	159
Drapers v Yardley (1710) 2 Vern 662; 23 ER 1031	71
Drexel Burnham Lambert UK Pension Plan [1995] 1 WLR 32; [1994] Pens LR 75 (Ch D)	100, 103, 106, 113, 114, 119

Dubai Aluminium Company Ltd v Salaam [2002] UKHL 48; [2003] 2 AC 366; [2002] 3 WLR 1913; [2003] 1 All ER 97	188, 300
Duke of Leeds v Earl of Amherst (1846) 2 Ph 117; (1846) 41 ER 886	324, 325
Duke of Norfolk's Settlement Trusts, Re [1982] Ch 61; [1981] 3 WLR 455; [1981] 3 All ER 220 (CA)	105
Duncan, Fox & Co v The North and South Wales Bank (1880) 6 App Cas 1	220, 230, 244
Dunch v Kent (1685) 1 Vern 385; 23 ER 494	71
Eads v Williams (1854) 4 De G M & G 674; 43 ER 671	318, 320, 321
Eagle Trust plc v SBC Securities plc [1993] 1 WLR 484; [1992] 4 All ER 488; [1991] BCLC 438 (Ch D)	72
Earl Granville v M'Neile (1849) 7 Hare 156; 68 ER 64	85
Earl of Oxford's Case (1615) 1 Ch Rep 1; 21 ER 485	22, 220
Eclairs Group Ltd v JKC Oil & Gas plc [2014] EWCA Civ 640; [2014] Bus LR 835; [2014] 4 All ER 463; [2015] BCC 821	86
Edge v Pensions Ombudsman [1998] Ch 512; [1998] 3 WLR 466; [1998] 2 All ER 547 (Ch D)	154
Edward Oliver, The (1865–1866) LR 1 A&E 379	220, 243
Elton John v James [1991] FSR 397 (Ch D)	318
English and Scottish Mercantile Investment Co Ltd v Brunton [1892] 2 QB 700; 62 LJQB 136; 67 LT 406	219
Erlanger v New Sombrero Phosphate Co (1878) 3 App Cas 1218	318, 319, 320, 321
Essar Shipping Ltd v Bank of China [2015] EWHC 3266 (Comm); [2016] 1 Lloyd's Rep 427; [2016] 1 CLC 393	317, 321
Eugenie, The (1872–1875) LR 4 A&E 123	220, 243
Evangelou v McNicol [2016] EWCA Civ 817; (2016) The Times, September 7	133
Evans v Benyon (1887) 37 Ch D 329	81, 314, 325
Evans's Settlement, Re [1967] 1 WLR 1294; [1967] 3 All ER 343; (1967) 111 SJ 811 (Ch D)	85
Everet v Williams (1725)	208
Eyre, ex parte (1843) 1 Ph 227; 41 ER 618	204
F&C Alternative Investments (Holdings) Ltd v Barthelemy [2011] EWHC 1731 (Ch); [2012] Ch 613; [2012] 3 WLR 10; [2012] Bus LR 891	121
Falcke v Gray (1859) 4 Drew 651; 62 ER 250	268
Farrant v Blanchford (1863) 1 De GJ & S 107; 46 ER 42	204
Farrar v Farrars Ltd (1888) 40 Ch D 395	240
Fearn v Anglo-Dutch Paint & Chemical Co Ltd [2010] EWHC 2366 (Ch); [2011] 1 WLR 366; [2011] Bus LR 579; (2010) 154(37) SJLB 29	47
Federal Bank of the Middle East Ltd v Hadkinson [2000] 1 WLR 1695; [2000] 2 All ER 395; [2000] CPLR 295 (CA)	259
Federal Commerce Navigation Ltd v Molena Alpha Inc ('The Nanfri') [1978] QB 927; [1978] 3 WLR 309; [1978] 3 All ER 1066 (CA)	48
Fellows v Mitchell and Owen (1705) 1 P Wms 81; 24 ER 302	193–194, 328
Fermor's Case (1602) 3 Co Rep 77a; 76 ER 800	70
Fernandes v Fernandes [2015] EWHC 814 (Ch)	319, 321
FHR European Ventures LLP & Ors v Cedar Capital Partners LLC [2014] UKSC 45; [2015] 1 AC 250; [2014] 3 WLR 535; [2014] 4 All ER 79	188, 250, 254, 255, 258, 259
Finch v Winchelsea (1715) 1 P Wms 277; 24 ER 387	224
Fisher v Brooker [2009] UKHL 41; [2009] 1 WLR 1764; [2009] 4 All ER 789; [2009] Bus LR 1334	317, 319, 320, 321

Fletcher v Collis [1905] 2 Ch 24; 74 LJ Ch 502; 92 LT 749 (CA)	203
Fletcher v Green (No 1) (1864) 33 Beav 426; 55 ER 433	188
Fletcher v Green (No 2) (1864) 33 Beav 513; 55 ER 467	211
Flint v Howard [1893] 2 Ch 54 (CA)	224, 229, 230, 244
Flower and Metropolitan Board of Works, Re (1884) 27 Ch D 592	204
Foliambe v Rokeby (c 1608–c 1620) 117 Selden Society 382-[167.742]	63
Forbes v Git [1922] 1 AC 256 (PC (Can))	128
Forest of Dean Coal Mining Co, Re (1878) 10 Ch D 450	211
Forster's Settlement, Re [1942] Ch 199; [1942] 1 All ER 180 (Ch D)	84
Foskett v McKeown [2001] 1 AC 102; [2000] 2 WLR 1299; [2000] 3 All ER 97 (HL)	75, 289
Fox, Re (1856) 5 Ir Ch R 541 (Ireland)	231
Fraser v Oystertec plc [2004] EWHC 1582 (Ch); [2006] 1 BCLC 491; [2005] BPIR 381	244
Frawley v Neill [1999] EWCA Civ 875; [2000] CP Rep 20; (1999) 96(12) LSG 33; (1999) 143 SJLB 98	317, 319, 320, 321, 328
Freeston's Charity, Re [1978] 1 WLR 741; [1979] 1 All ER 51; (1978) 122 SJ 294 (CA)	314
French v Hobson (1803) 9 Ves Jr 103; 32 ER 540	314
Fry, Re [1912] 2 Ch 86 (Ch D)	220, 243
Futter v Futter [2010] EWHC 449 (Ch); [2010] STC 982; [2010] Pens LR 145; [2010] BTC 455	139, 144, 152–153
Fyler v Fyler (1841) 3 Beav 550; 49 ER 216	165, 314
Gait v Osbaldeston (1826) 1 Russ 158; 38 ER 62; (1820) 5 Madd 428; 56 ER 959	67
Galton v Hancock (1743) 2 Atk 427; 26 ER 658	224
Garnett, Re (1885) 31 Ch D 1	314
Gartside v Outran (1857) 36 LJ Ch 113	269
Gasquoine, Re [1894] 1 Ch 470 (CA)	199
Geldof Metaalconstructie NV v Simon Carves Ltd [2010] EWCA Civ 667; [2010] 4 All ER 847; [2011] 1 Lloyd's Rep 517; [2010] 1 CLC 895	48–49
Gervys v Cooke (1522) YB Mich 14 Henry VIII, fol 4b, pl 5; (2002) 119 Selden Society 108	55, 56, 57, 59–62, 63, 70, 78, 80
Gestetner Settlement, Re [1953] Ch 672; [1953] 2 WLR 1033; [1953] 1 All ER 1150 (Ch D)	86
Gething v Keighley (1878) 9 Ch D 547	160
Gibbs v Ougier (1806) 12 Ves Jr 413; 33 ER 156	245
Gibson v Seagrim (1855) 20 Beav 614; 52 ER 741	229, 230
Gilbey v Rush [1906] 1 Ch 11	84
Gillespie v Cameron (1996) 7 TCLR 376	246
Gillespie and Paterson v City of Glasgow Bank and Liquidators (1879) 4 App Cas 632 (HL)	211
Gisborne v Gisborne (1877) 2 App Cas 300; 46 LJ Ch 557; 36 LT 564 (HL)	146
Glasbrook v Richardson (1874) 23 WR 51 (Ch)	321
Glegg v Legh (1819) 4 Madd 193; 56 ER 678	67
Glyn v Weston Feature Film Company [1915] 1 Ch 261 (Ch)	269
Gold v Essex County Council [1942] 1 KB 293	175–176
Goldsworthy v Brickell [1987] Ch 378; [1987] 2 WLR 133; [1987] 1 All ER 853 (CA)	314
Gonthier v Orange Contract Scaffolding Ltd [2003] EWCA Civ 873; [2003] All ER (D) 332 (Jun)	272

Goulding v James [1997] 2 All ER 239, (1997) The Times, February 7 (CA)	92
Gray v New Augarita Porcupine Mines Ltd [1952] 3 DLR (2d) 1 (PC (Can))	112
Green v Cobham [2002] STC 820; [2002] BTC 170; [2000] WTLR 1101 (Ch D)	139
Green's Case (1601) 6 Co Rep 29a; 77 ER 295	70
Greenham v Gibbeson (1834) 10 Bing 363; 131 ER 944	84
Greenwood v Wakeford (1839) 1 Beav 576; 48 ER 1064	211
Grey v IRC [1960] AC 1; [1959] 3 WLR 759; [1959] 3 All ER 603 (HL)	94, 95, 96
Griffiths v Porter (1858) 25 Beav 236; 53 ER 627	324
Gulbenkian, Re [1970] AC 508; [1968] 3 WLR 1127; [1968] 3 All ER 785 (HL)	86
Guest v Smythe (1870) LR 5 Ch App 551 (CA)	109
Gwembe Valley Development Co Ltd v Koshy (No 3) [2003] EWCA Civ 1048; [2004] 1 BCLC 131; [2004] WTLR 97; (2003) 147 SJLB 1086	300
Gwynne v Edwards (1825) 2 Russ 289n	227
Hallett's Estate, Re (1880) 13 Ch D 696	97
Halton International (Holdings) Inc Sarl v Guernroy Ltd [2006] EWCA Civ 801; [2006] WTLR 1241	300
Hamp v Jones (1840) 9 LJ Ch 258	50
Hanbury v Kirkland (1829) 3 Sim 265; 57 ER 998	204
Hancock, Re [1896] 2 Ch 173 (CA)	86
Harcourt v White (1860) 38 Beav 303; 54 ER 382	321
Harris v Harris (1861) 29 Beav 107; 54 ER 567	304
Harris v Lord Shuttleworth [1994] ICR 991; [1994] IRLR 547; [1994] Pens LR 47 (CA)	154
Harris v Sleep [1897] 2 Ch 80 (CA)	101
Harrison v Forth (1695) Prec Ch 51; 24 ER 26	67
Harrison v Harrison (1740) 2 Atk 121; 26 ER 476	96
Harrison's Settlement Trusts, Re [1965] 1 WLR 1492; [1965] 3 All ER 795; (1965) 109 SJ 997 (Ch D)	144
Harse v Pearl Life Assurance Co [1904] 1 KB 558 (CA)	260
Hastings-Bass (Deceased), Re [1975] Ch 25; [1974] 2 WLR 904; [1974] 2 All ER 193 (CA)	8, 137, 138, 139, 140, 141, 142, 143, 144, 146, 150
Hatch v Hatch (1804) 9 Ves Jr 292; 32 ER 615	322
Hayim v Citibank NA [1987] AC 730; [1987] 3 WLR 83; (1987) 131 SJ 660 (PC (HK))	91
Hay's Settlement Trusts, Re [1982] 1 WLR 202; [1981] 3 All ER 786; (1981) 125 SJ 866 (DC)	90
Head v Gould [1898] 2 Ch 250 (Ch D)	210, 212–214
Heyman v Dubois (1871) LR 13 Eq 158	222
Highbury Pension Fund Management Co v Zirfin Investments Ltd [2013] EWCA Civ 1283; [2014] Ch 359; [2014] 2 WLR 1129; [2014] 1 All ER 674	220, 223, 224, 226, 227, 228, 231, 233, 235, 236, 239, 241, 242, 243, 245, 247
HIH Casualty and General Insurance Ltd v Chase Manhattan Bank [2003] UKHL 6; [2003] 1 All ER (Comm) 349; [2003] 2 Lloyd's Rep 61; [2003] 1 CLC 358	128, 134
Hill v Spread Trustee Co Ltd [2005] EWHC 336 (Ch); [2005] BPIR 842; [2006] WTLR 1009	88
Hitch v Stone [2001] EWCA Civ 63; [2001] STC 214; 73 TC 600; [2001] BTC 78	88
Hniazdzilau v Vajgel [2016] EWHC 15 (Ch)	250
Hoare v Parker (1785) 1 Bro CC 578; 28 ER 1308; (1785–86) 1 Cox 224; 29 ER 1139	66

Holder v Holder [1968] Ch 353; [1968] 2 WLR 237; [1968] 1 All ER 665 (CA).....	314, 318, 319, 324, 325, 326
Holding & Management Ltd v Property Holding and Investment Trust plc [1989] 1 WLR 1313; [1990] 1 All ER 938; (1989) 21 HLR 596 (CA).....	93
Holland, Re, ex p Alston (1868–69) LR 4 Ch App 168.....	238, 247
Holland v Holland (1869) LR 4 Ch App 449.....	171
Holman v Johnson (1775) 1 Cowp 341; 98 ER 1120.....	272
Holms v Atkins (1673) in Yale, Manual and Prolegomena (n 25) Ch XV, para 13.....	69
Holt's Settlement, Re [1969] 1 Ch 100; [1968] 2 WLR 653; [1968] 1 All ER 470	92, 94
Hopkinson v Rolt (1861) 11 HL Cases (Clark's) 514; 11 ER 829	220
Hovenden v Lord Annesley [1806] 2 Sch & Lef 607	297–298, 302
Hovey v Blakeman (1799) 4 Ves Jun 596; 31 ER 306	199
Howell v Lees-Millais [2009] EWHC 1754 (Ch); [2009] WTLR 1163; [2009] 2 P & CR DG22.....	85
Hughes v Bourne [2012] EWHC 2232 (Ch); [2012] WTLR 1333.....	82
Hunter v Gibbons (1856) 26 LJ Ex 1; 156 ER 1281	303
Hurley v Mustoe (No 2) [1983] ICR 422 (EAT).....	273
Huxham v Llewellyn (1873) 21 WR 570	321
Imperial Gas Light Company v London Gas Light Company (1854) 10 Exch 39; 156 ER 346	303
Ind Coope & Co Ltd, Re [1911] 2 Ch 223.....	219
Independent Trustee Services Ltd v GP Noble Trustees Ltd [2012] EWCA Civ 195; [2013] Ch 91; [2012] 3 WLR 597; [2012] 3 All ER 210	77, 78, 96
Ingram v IRC [1997] 4 All ER 395; [1997] STC 1234; [1997] BTC 8009 (CA)	93
IRC v Holmden [1968] AC 685; [1968] 2 WLR 300; [1968] 1 All ER 148 (HL).....	92, 94
International Energy Group Ltd v Zurich Insurance plc [2015] UKSC 33; [2016] AC 509; [2015] 2 WLR 1471; [2015] 4 All ER 813.....	221
International Life Assurance Society, Re (1876) 2 Ch D 476.....	226, 227
Investors Compensation Scheme Ltd v West Bromwich Building Society [1998] 1 WLR 896; [1998] 1 All ER 98; [1998] 1 BCLC 531 (HL).....	228
J Willis & Son v Willis, unreported, 17 October 1985	272
Jackson v Cator (1800) 5 Ves Jr 688; 31 ER 806	316
Jackson v Dickinson [1903] 1 Ch 947 (Ch D).....	208, 210
Jackson v Rowe (1826) 2 Sim & St 472; 57 ER 427	68
James, ex parte (1803) 8 Ves Jr 338; 32 ER 385	109
James James and James Cushion, ex parte (1853) 3 De GM & G 493; 43 ER 193	204
Jarvis (Decd), Re [1958] 1 WLR 815; [1958] 2 All ER 336; (1958) 102 SJ 546 (Ch D)	81
Jarvis v Duke (1681) 1 Vern 19.....	314
Jennings v Moore (1708) 2 Vern 609; 23 ER 998	71
Jerrard v Saunders (1794) 2 Ves Jun 454; 30 ER 721	66
JJ Harrison (Properties) Ltd v Harrison [2001] EWCA Civ 1467; [2002] 1 BCLC 162; [2002] BCC 729; [2001] WTLR 1327	300
John v Dodwell & Co Ltd [1918] AC 563; 87 LJPC 92 (PC (Ceylon)).....	302
Jones v Lenthal (1669) 1 Ch Cas 154; 22 ER 739	v
Jones v Lewis (1751) 2 Ves Sen 240; 28 ER 155	172
Jones v Smith (1841) 1 Hare 43; 66 ER 943	70, 72, 76
Jones v Stones [1999] 1 WLR 1739; (1999) 78 P & CR 293; [1999] 3 EGLR 81 (CA)....	317
Kearley v Thomson (1890) 24 QBD 742.....	254
Keble v Thompson (1790) 3 Bro CC 112; 29 ER 112	200

Kendall, ex parte (1811) 17 Ves 514; 34 ER 199	224, 226, 227, 230, 237, 245
Kennedy v De Trafford [1897] AC 180	240
Khan v Khan (1938), unreported, Privy Council Appeal No 116 of 1936, 7 April 1938 (PC)	221, 222
Kingsnorth Finance Co Ltd v Tizard [1986] 1 WLR 783; [1986] 2 All ER 54; (1986) 51 P & CR 296 (Ch D)	75
Kiriri Cotton Co Ltd v Dewani [1960] AC 192; [1960] 2 WLR 127; [1960] 1 All ER 177 (PC (Eastern Africa))	256
Knight v Marjoribanks (1848) 11 Beav 322; 50 ER 841	204
Knocker v Youle [1986] 1 WLR 934; [1986] 2 All ER 914; (1986) 83 LSG 2568 (Ch D)	92
Knox v Gye (1871–72) LR 5 HL 656	298
Knox v Mackinnon (1888) 13 App Cas 753; (1888) 15 R (HL) 83	125
Kuddus v Chief Constable of Leicestershire [2001] UKHL 29; [2002] 2 AC 122; [2001] 2 WLR 1789; [2001] 3 All ER 193 (HL)	284
Lakatamia Shipping Co Ltd v Su [2014] EWCA Civ 636; [2015] 1 WLR 291; [2014] CP Rep 37; [2014] 1 CLC 688	259
Langford v Gascoyne (1805) 11 Ves Jun 333; 32 ER 1116	199
Lanoy v Duchess of Athol (1742) 2 Atk 444; 26 ER 668	224, 229, 230, 233
Lawder's Estate, Re (1861) 11 Ir Ch R 346 (Ireland)	231
Lawrance v Galsworthy (1857) 3 Jur (NS) 1049	230, 245
Lawrence v Fen Tigers Ltd [2014] UKSC 13; [2014] AC 822; [2014] 2 WLR 433; [2014] 2 All ER 622	283
Le Neve v Le Neve (1748) 3 Atk 647; 26 ER 1172	70, 71
Lead Co v Hall (1739)	195
Learoyd v Whiteley (1887) 12 App Cas 727	160
Lechmere v Carlisle (1733) 3 P Wms 211; 24 ER 1033	196
Lehmann v McArthur (1868) LR 3 Ch App 496	320
Lehman Brothers International (Europe), Re [2012] EWHC 2997 (Ch); [2014] 2 BCLC 295	244
Leigh v Barry (1747) 3 Atk 583; 26 ER 1136	196
Leonard v Leonard 2 Ball & B 171	314
Lewis v Lynch (13 March 1980) (CA)	90
Lewis v Nobbs (1878) 8 Ch D 591	206–207
Life Association of Scotland v Siddal (1861) 3 De G F & J 58; 45 ER 800	317, 318, 324, 325
Lindsay Petroleum Co v Hurd (1874) LR 5 PC 221 (PC (Canada))	312, 316, 317, 318, 319, 320, 321
Lingard v Bromley (1812) 1 Ves & Beam 114; 35 ER 45	200–202
Linsley, Re [1904] 2 Ch 785 (Ch D)	210
Littlejohn v Black (1855) 18 D 207 (Ct of Sess (IH, 1 Div))	231, 247
Liverpool City Council v Irwin [1977] AC 239; [1976] 2 WLR 562; [1976] 2 All ER 39 (HL)	244
Locke v Camberwell Health Authority (1991) [2002] Lloyd's Rep PN 23; (1991) The Times, June 27 (CA)	152
Lockhart v Reilly (1856) 25 LJ 697; (1857) 1 De GG & J 464; 44 ER 803	210
Loder's Trusts, Re (1886) 56 LJ Ch 230	230
Loftus (decd) [2006] EWCA Civ 1124; [2007] 1 WLR 591; [2006] 4 All ER 1110; [2006] WTLR 1391	295, 319, 320, 322
London General Omnibus Co Ltd v Holloway [1912] 2 KB 72 (CA)	203
Lonrho plc v Al-Fayed [1992] 1 AC 448; [1991] 3 WLR 188; [1991] 3 All ER 303 (HL)	234

Loquitur Ltd, Re; IRC v Richmond [2003] EWHC 999 (Ch); [2003] 2 BCLC 442; [2003] STC 1394; 75 TC 77.....	180
Lord Audley's Case (1572) 3 Dyer 324b; 73 ER 734.....	58
Lord Cawdor v Lewis (1835) 1 Y & C Ex 427; 160 ER 174 (Exchequer).....	4, 47
Lord Ranelagh v Lady Parkyns (1818) 6 Dow 149; 3 ER 1428	230
Lord Shipbrook v Lord Hinchinbrook (1805) 11 Ves Jun 252; 32 ER 1085	199
Londonderry's Settlement, Re [1965] Ch 918; [1965] 2 WLR 229; [1964] 3 All ER 855 (CA).....	146
Lowry v Fulton (1839) 9 Sim 104; 59 ER 298	204
Lucking's Will Trusts, Re [1968] 1 WLR 866; [1967] 3 All ER 726; (1967) 112 SJ 444 (Ch D)	218
Luke v South Kensington Hotel Company (1879) 11 Ch D 121.....	187
Macmillan Inc v Bishopsgate Investment Trust plc (No 3) [1995] 1 WLR 978; [1995] 3 All ER 747 (Ch D)	75, 76, 77
Magnus v Queensland National Bank (1888) 37 Ch D 466	179
Mahesan S/O Thambiah Appellant v Malaysia Government Officers' Co-Operative Housing Society Ltd [1979] AC 374; [1978] 2 WLR 444; [1978] 2 All ER 405 (PC (Malaysia))	255
Maidstone Palace of Varieties Ltd, Re [1909] 2 Ch 283 (Ch D)	109
Maitland v Wilson (1754) 3 Atk 814; 26 ER 1265	69
Mallott v Wilson [1903] 2 Ch 494 (Ch D)	230
Manchester Trust v Furness [1895] 2 QB 539 (CA)	76
Manifest Shipping Co Ltd v Uni-Polaris Insurance Co Ltd [2001] UKHL 1; [2003] 1 AC 469; [2001] 2 WLR 170; [2001] 1 All ER 743 (HL)	272
Manks v Whiteley [1911] 2 Ch 448 (Ch D)	220, 235, 236
Mara v Browne [1895] 2 Ch 69 (Ch D)	188
Mara v Browne [1896] 1 Ch 199 (CA).....	188
Marks & Spencer plc v BNP Paribas Securities Services Trust Co (Jersey) Ltd [2015] UKSC 72; [2016] AC 742; [2015] 3 WLR 1843; [2016] 4 All ER 441	126, 181, 244
Marley v Mutual Security Merchant Bank & Trust Co Ltd [1991] 3 All ER 198 (PC (Jam))	103, 105
Marsden v Regan [1954] 1 WLR 423; [1954] 1 All ER 475; (1954) 98 SJ 144 (CA)	151
Marshall's Case (1506) Keilway 84; 72 ER 247	60
Massingberd's Settlement, Re (1890) 59 LJ Ch 107; aff'd (1890) 63 LT 296.....	84, 161, 173
Masters of Trinity House in Deptford Strond v Crispin (1680) Jones, T 144; 84 ER 1188	71
Masterson v Brokesby (1599) reproduced in 'Richard Powle's Reports' (2000) 117 Selden Society 117-[362]	58
May v Selby (1842) 1 Y & C CC 235; 62 ER 869	211
McCarthy & Stone Ltd v Julian S Hodge & Co Ltd [1971] 1 WLR 1547; [1971] 2 All ER 973; (1971) 22 P & CR 1040.....	220
M'Donnell v White (1865) 11 HLC 570; 11 ER 1454	160
McEvoy v Belfast Banking Co Ltd [1935] AC 24 (HL)	203
McHugh v Union Bank of Canada [1913] AC 299 (PC (Can)).....	234
McLean v Berry [2016] EWHC 2650 (Ch); [2017] Ch 422; [2017] 3 WLR 198; [2017] BPIR 164.....	11, 223, 226, 227, 228, 235, 237, 242, 243, 247
Macleod v Annesley (1853) 16 Beav 600; 51 ER 912.....	204
McMillan v Singh (1984) 17 HLR 120 (CA).....	287
Macmillan Inc v Bishopsgate Investment Trust plc [1995] 1 WLR 978; [1995] 3 All ER 747 (Ch D)	220

MCP Pension Trustees Ltd v AON Pension Trustees Ltd [2010] EWCA Civ 377; [2012] Ch 1; [2011] 3 WLR 455; [2011] 1 All ER (Comm) 228	91
Medforth v Blake [2000] Ch 86; [1999] 3 WLR 922; [1999] 3 All ER 97 (CA)	234
Mendes v Guedalla (1862) 2 J & H 259; 70 ER 1054 (KB)	187, 204
Menelaou v Bank of Cyprus plc [2015] UKSC 66; [2016] AC 176; [2015] 3 WLR 1334; [2016] 2 All ER 913	12, 239, 241, 242
Merchant Navy Ratings Pension Fund, Re [2015] EWHC 448 (Ch); [2015] Pens LR 239	154
Merry v Abney (1663) 1 Chan Cas 38; 22 ER 682	71
Mersey Docks and Harbour Board Trustees v Gibbs (1866) 11 HLC 686; 11 ER 1500 (HL)	203
Mettoy Pension Trustees Ltd v Evans [1990] 1 WLR 1587; [1991] 2 All ER 513; [1990] Pens LR 9 (Ch D)	85
Midland Bank Trust Co Ltd v Green [1981] AC 513; [1981] 2 WLR 28; [1981] 1 All ER 153 (HL)	71, 75
Mildmay v Mildmay noted in DEC Yale, Lord Nottingham's Chancery Cases, vol I (1954) 73 Selden Society [474]	68, 69
Miliangos v George Frank (Textiles) Ltd [1976] AC 443; [1975] 3 WLR 758; [1975] 3 All ER 801 (HL)	158, 162, 165
Mills, Re [1930] 1 Ch 654 (CA)	86
Mills v Drewitt (1855) 20 Beav 632; 52 ER 748	321
Milward v Earl Thanet (1801) 5 Ves 720n; 31 ER 824	317, 318, 321
Mitchell v Halliwell [2005] EWHC 937 (Ch); [2005] All ER (D) 210 (May)	81
Money Markets International Stockbrokers Ltd (in Liquidation) v London Stock Exchange Ltd [2002] 1 WLR 1150; [2001] 4 All ER 223; [2001] 2 BCLC 347 (Ch D)	244
Montagu's Settlement Trusts, Re [1987] Ch 264; [1987] 2 WLR 1192; [1992] 4 All ER 308 (Ch D)	72, 80
Moody v Cox and Hatt [1917] 2 Ch 71 (CA)	274
Moore v Bennett (1678) 2 Chan Cas 246; 22 ER 929	71
Morelle v Wakeling [1955] 2 QB 379; [1955] 2 WLR 672; [1955] 1 All ER 708 (CA)	162
Mosley v News Group Newspapers Ltd [2008] EWHC 1777 (QB); [2008] EMLR 20; (2008) 158 NLJ 1112; [2008] All ER (D) 322 (Jul)	269
Mower's Trusts, Re (1869) LR 8 Eq 110; 20 LT 838	226, 230, 235, 242
Muir v IRC [1966] 1 WLR 1269; [1966] 3 All ER 38; 43 TC 367 (CA)	86
Munch v Cockerell (1836) 8 Sim 219; 59 ER 88	204
Munton, Re [1927] 1 Ch 262 (CA)	210
Murad v Al Saraj [2005] EWCA Civ 959; [2005] WTLR 1573; [2005] 32 LS Gaz R 31; [2005] All ER (D) 503 (Jul)	102
Murphy v Brentwood District Council [1991] 1 AC 398; [1990] 3 WLR 414; [1990] 2 All ER 908 (HL)	234
Murrell v Cox and Pitt (1706) 2 Vern 570; 23 ER 971	194
Naas v Westminster Bank Ltd [1940] AC 366; [1940] 1 All ER 485 (HL)	88
Nail v Punter (1832) 5 Sim 555; 58 ER 447	324
Napier v Light (1974) 236 EG 273; (1974) 119 SJ 166 (CA)	93
Nash v Eads (1880) 25 Sol Jo 95	240
National Crime Agency (formerly Serious Organised Crime Agency) v Szepietowski [2011] EWCA Civ 856; [2011] Lloyd's Rep FC 537; [2011] WTLR 1435; [2011] 3 Costs LO 408	221, 242

National Crime Agency (formerly Serious Organised Crime Agency) v Szepietowski [2013] UKSC 65; [2014] AC 338; [2013] 3 WLR 1250; [2014] 1 All ER 225	11, 221, 222, 223, 225–226, 228, 229, 231, 232, 236, 237, 239, 240, 241, 243, 244, 245
National Grid Co plc v Mayes [2001] UKHL 20; [2001] 1 WLR 864; [2001] 2 All ER 417; [2001] OPLR 15	85, 221
National Provincial Bank Ltd v Ainsworth [1965] AC 1175; [1965] 3 WLR 1; [1965] 2 All ER 472 (HL)	239
National Trustees Co of Australasia Ltd v General Finance Co of Australasia Ltd [1905] AC 373 (PC (Aus))	90
Nationwide Building Society v Davisons Solicitors [2012] EWCA Civ 1626; [2013] PNLR 12; [2013] 3 Costs LO 464; [2013] 1 EGLR 73	151
Nelson v Rye [1996] 1 WLR 1378; [1996] 2 All ER 186; [1996] EMLR 37 (Ch D)	317, 321
New, Re [1901] 2 Ch 534 (CA)	90, 101, 102, 107, 108
Nicol's Trustee (John F McLaren) v Hill (1889) 16 R 416 (Ct of Sess (IH, 1 Div))	231, 247
Nisbet and Potts' Contract, Re [1906] 1 Ch 386 (CA)	53, 58, 69
Nocton v Lord Ashburton [1914] AC 932; [1914–15] All ER Rep 45 (HL)	21–22, 166, 168
Nobahar-Cookson v The Hut Group Ltd [2016] EWCA Civ 128; [2016] 1 CLC 573; [2016] All ER (D) 21 (Apr)	133
Norway v Rowe (1812) 19 Ves Jr 144; 34 ER 472	321
Norwich Pharmacal Co v Customs & Excise Commissioners [1974] AC 133; [1973] 3 WLR 164; [1973] 2 All ER 943 (HL)	238
Novoship (UK) Ltd v Mikhaylyuk [2014] EWCA Civ 908; [2015] QB 499; [2015] 2 WLR 526; [2014] WTLR 1521	79, 188, 255
Nuclear Cameron (PX) Ltd v AMF International Ltd [1982] 16 NIJB (14 August 1980)	242
OBG Ltd v Allan [2007] UKHL 21; [2008] 1 AC 1; [2007] 2 WLR 920; [2007] 4 All ER 545	234
Offen v Harman (1859) 29 LJ Ch 307; 1 LT 315; 8 WR 129	84
O'Kelly v Davies [2014] EWCA Civ 1606; [2015] 1 WLR 2725; [2015] 2 FLR 1311; [2016] WTLR 333	263
Oriental Inland Steam Co (Ltd) v Briggs (1861) 4 De G F & J 191; (1861) 45 ER 1157	321
Ostime (Inspector of Taxes) v Australian Mutual Provident Society [1960] AC 459; [1959] 3 WLR 410; [1959] 3 All ER 235 (HL)	169
P & O Nedlloyd BV v Arab Metals Co [2006] EWCA Civ 1717; [2007] 1 WLR 2288; [2007] 2 All ER (Comm) 401; [2007] 2 Lloyd's Rep 231	304, 319
Palairot v Carew (1863) 32 Beav 564; 55 ER 222	213
Papadimitriou v Crédit Agricole Corpn and Investment Bank [2015] UKPC 13; [2015] 1 WLR 4265; [2015] 2 All ER 974; [2016] WTLR 109 (PC (Gibraltar))	76, 77, 79, 80
Paragon Finance plc v DB Thakerar & Co (a firm) [1999] 1 All ER 400; (1998) 95(35) LSG 36; (1998) 142 SJLB 243 (CA)	300, 301
Park, Re [1932] 1 Ch 580 (Ch D)	86
Parker-Tweedale v Dunbar Bank plc (No 1) [1991] Ch 12; [1990] 3 WLR 767; [1990] 2 All ER 577 (CA)	234

Parkinson v College of Ambulance Ltd [1925] 2 KB 1 (KBD)	255–256, 257, 258
Partington, Re (1888) 57 LTR 654 (Ch D)	210
Partington v Reynolds (1858) 4 Drew 253; 62 ER 98	168
Partridge v Partridge [1894] 1 Ch 351 (Ch D)	316
Patel v Mirza [2014] EWCA Civ 1047; [2015] Ch 271; [2015] 2 WLR 405; [2015] 1 All ER 326	250
Patel v Mirza [2016] UKSC 42; [2017] AC 467; [2016] 3 WLR 399; [2017] 1 All ER 191	12, 13, 14, 249–250, 251–254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 270, 272, 288, 306
Patel v Shah [2005] EWCA Civ 157; [2005] WTLR 359; [2005] 8 EG 190	319, 320, 321
Patrick v Colerick (1838) 3 M & W 483; 150 ER 1235	280
Pauling's Settlement Trusts (No 1), Re [1962] 1 WLR 86; [1961] 3 All ER 713; (1962) 106 SJ 135 (Ch D)	203, 314, 315, 325, 326
Pauling's Settlement Trusts (No 1), Re [1964] Ch 303; [1963] 3 WLR 742; [1963] 3 All ER 1 (CA)	81, 314, 324
Pauling's Settlement Trusts (No 2), Re [1963] Ch 576; [1963] 3 WLR 742; [1963] 1 All ER 857	81
Peacock v Reynellote (1612) 117 Selden Society 400–[196]	63
Peekay Intermark Ltd v Australia and New Zealand Banking Group Ltd [2006] EWCA Civ 386; [2006] 2 Lloyd's Rep 511; [2006] 1 CLC 582	126
Perpetual Executors and Trustees Association of Australia, Ltd v Swan [1898] AC 763 (PC (Aus))	214
Perrins v Bellamy [1898] 2 Ch 521 (Ch D)	90
Perrins v Bellamy [1899] 1 Ch 797 (CA)	90, 151
Petterson v Ross [2013] EWHC 2724 (Ch); [2014] WTLR 321	236
Pettigrew v Edwards [2017] EWHC 8 (Ch); [2017] WTLR 675; [2017] 1 P & CR DG19	82, 93
Petrograde Inc v Smith [2000] Lloyd's Rep 486; [2000] CLC 916 (QBD)	254
Photo Production Ltd v Securicor Ltd [1980] AC 827; [1980] 2 WLR 283; [1980] 1 All ER 556 (HL)	127, 134
Piggott v Williams (1821) 6 Madd 95; 56 ER 1027 (High Court of Chancery)	47
Phillipson v Gatty (1848) 7 Hare 516; 68 ER 213	325, 326
Pickering v Lord Stamford (1795) 2 Ves Jr 581; 30 ER 787	317
Pit v Cholmondeley (1754) 2 Ves Sen 566; 28 ER 360	159, 160
Pitt v Holt [2011] EWCA Civ 197; [2012] Ch 132; [2011] 3 WLR 19; [2011] 2 All ER 450	137, 139, 140, 143, 145, 146, 147
Pitt v Holt [2013] UKSC 26; [2013] 2 AC 108; [2013] 2 WLR 1200; [2013] 3 All ER 429	137, 138, 139–140, 141, 142, 143, 144, 145, 146, 147–148, 149, 150, 151, 152, 153, 269
Pitt v Yalden (1767) 4 Burr 2060; 98 ER 74	71
Pocock v Reddington (1801) 5 Ves Jun 794, 800; 31 ER 862	96
Pope's Contract, Re [1911] 2 Ch 442 (Ch D)	85
Popham v Exham (1860) 10 Ir Ch Rep 440	109, 110
Portbase Clothing Ltd, Re [1993] Ch 388; [1993] 3 WLR 14; [1993] 3 All ER 829 (Ch D)	244
Povye's Case (1680) 2 Free 51; 22 ER 1052	222, 223, 243, 245, 246

Powlet v Herbert (1791) 1 Ves 297; 30 ER 352	211
Price v Price (1880) 1 TLR 626 (Ch D)	210
Pride v Fooks (1840) 2 Beav 430; 48 ER 1248	216
Professional Life Assurance Company, Re (1866–67) LR 3 Eq 668	226, 238
Public Trustee v Allder; Townley, Re [1922] 1 Ch 154 (Ch D)	230
Public Trustee v Cooper [2001] WTLR 901 (Ch D)	144
Pullan v Wilson [2014] EWHC 126 (Ch); [2014] WTLR 669; (2014) 158(10) SJLB 37; [2014] 1 P & CR DG21	81, 314, 317
Q v Q [2008] EWHC 1874 (Fam); [2009] 1 FLR 935; [2009] WTLR 1591; [2009] Fam Law 17	263
Quadrant Visual Communications Ltd v Hutchison Telephone (UK) [1993] BCLC 442; (1992) 89(3) LSG 31; (1992) 136 SJLB 32 (CA)	268–269
Quarrier v Colston (1842) 1 Ph 147; 41 ER 587 (Ch D)	v
R v Knuller (Publishing, Printing and Promotions) Ltd [1973] AC 435; [1972] 3 WLR 143; [1972] 2 All ER 898 (HL)	162
R v Milton (1827) 1 M & M 107; 173 ER 1097 (Assizes)	280
R v Rooks (1637) Cro Car 491; 79 ER 1024 (Ct of KB)	72
R v Secretary of State for the Home Department, ex p Simms [2000] 2 AC 115; [1999] 3 WLR 328; [1999] 3 All ER 400	135
R (Kadhim) v Brent London Borough Council Housing Benefit Review Board [2001] QB 955; [2001] 2 WLR 1674; [2001] NPC 7 (CA)	164, 169
R (RJM) v Work and Pensions Secretary [2008] UKHL 63, [2009] 1 AC 311; [2008] 3 WLR 1023; [2009] 2 All ER 556	158
R (on the application of Burkett) v Hammersmith and Fulham LBC [2004] EWCA Civ 1342; [2005] CP Rep 11; [2005] 1 Costs LR 104; [2005] JPL 525	50
R (on the application of Miller) v Secretary of State for Exiting the European Union [2016] EWHC 2768 (Admin); [2017] 1 All ER 158; [2017] 1 CMLR 34; [2016] HRLR 23	276
Raby v Ridehalgh (1855) 7 De GM & G 104; 44 ER 41 (QB)	204
Rae v Meek (1889) 14 App Cas 558; (1889) 16 R (HL) 31 (HL)	125
Rainy Sky SA v Kookmin Bank [2011] UKSC 50; [2011] 1 WLR 2900; [2012] 1 All ER 1137; [2012] Bus LR 313	228
Rawson v Samuel (1841) Cr & Ph 161; 41 ER 451 (High Court of Chancery)	46
Rayford Homes Ltd (In Administrative Receivership), Re [2011] EWHC 1948 (Ch); [2011] BCC 715	219, 220
Reading v Attorney General [1949] 2 KB 232; [1949] 2 All ER 68; 65 TLR 405 (CA)	255
Reading v Attorney General [1951] AC 507; [1951] 1 All ER 617; [1951] 1 TLR 480 (HL)	255
Regal (Hastings) Ltd v Gulliver (1942) [1967] 2 AC 134; [1942] 1 All ER 378 (HL)	100, 113
Revenue and Customs Commissioners v Holland [2010] UKSC 51; [2010] 1 WLR 2793; [2011] 1 All ER 430; [2011] Bus LR 111	180
Reynell v Peacock (1619) 2 Rolle 105; 81 ER 688	68
Rhodesia Goldfields Ltd, Re [1910] 1 Ch 239 (Ch D)	211
Ridehalgh v Horsefield [1994] Ch 205; [1994] 3 WLR 462; [1994] 3 All ER 848 (CA)	152
Roberts, Re [1902] 2 Ch 834 (Ch D)	220, 243
Robinson, Re; McLaren v Public Trustee [1911] 1 Ch 502 (Ch D)	304–305
Robinson v Harkin [1896] 2 Ch 415 (Ch D)	209
Robinson v Tonge (1735) 3 P Wms 398; 24 ER 1117	224
Rochefoucauld v Boustead [1897] 1 Ch 196 (CA)	321

Rooke v Staples (1579) Cary 76; 21 ER 40	64
Rookes v Barnard [1964] AC 1129; [1964] 2 WLR 269; [1964] 1 All ER 367 (HL)	284
Rosenthal, Re [1972] 1 WLR 1273; [1972] 3 All ER 552; [1972] TR 329	90
Ross (Deceased), Re [2013] EWHC 2724 (Ch); [2014] WTLR 321	220, 243
Royal Brunei Airlines Sdn Bhd v Tan [1995] 2 AC 378; [1995] 3 WLR 64; [1995] 3 All ER 97 (PC (Brunei))	77, 79, 301
Ruxley Electronics and Construction Ltd v Forsyth [1996] AC 344; [1995] 3 WLR 118; [1995] 3 All ER 268 (HL)	19, 283, 286
Ryder, Re [1914] 1 Ch 865 (Ch D)	86
Sadler v Hobbs (1786) 2 Bro CC 114; 29 ER 66	199
Saipem SpA v Rafidain Bank [1994] CLC 253 (CA), further proceedings [2007] EWHC 3119 (Ch)	84
Salford v Lever [1891] 1 QB 168 (CA)	255
Salmon, Re (1889) 42 Ch D 351 (CA)	160, 206
Salt v Stratstone Specialist Ltd (t/a Stratstone Cadillac Newcastle) [2015] EWCA Civ 745; [2015] 2 CLC 269; [2016] RTR 17; [2015] CTLCL 206	317
Saltri III Ltd v MD Mezzanine SA SICAR [2012] EWHC 3025 (Comm); [2013] 1 All ER (Comm) 661; [2013] 2 BCLC 217	240
Salway v Salway (1831) 2 Russ & My 215; 39 ER 376	165
Sands v Nugee (1836) 8 Sim 130; 59 ER 52	85
Santander UK v RA Legal Solicitors [2014] EWCA Civ 183; [2014] Lloyd's Rep FC 282; [2014] PNLR 20; [2014] 2 EGLR 73	90, 151, 186
Santiren Shipping Ltd v Unimarine SA (The Chrysovalandou-Dyo) [1981] 1 All ER 340; [1981] 1 Lloyd's Rep 159 (QBD) 346	47
Saunders v Vautier (1841) Cr & Ph 240; 41 ER 482; 4 Beav 115; 49 ER 282	6, 92, 93, 94, 95, 129
Scott v National Trust for Places of Historic Interest or Natural Beauty [1998] 2 All ER 705 (Ch D)	145
Scott v Scott (1854) 4 HLC 1065; 10 ER 779	69
Scully v Coley [2009] UKPC 29; [2009] All ER (D) 10 (Nov) (PC (Jam))	85
Scurfield v Howes (1790) 3 Brown CC 90; 29 ER 425	199
Seddon v Connell (1840) 10 Simons 58; 59 ER 534	205
Selangor United Rubber Estates v Cradock (No 4) [1969] 1 WLR 1773; [1969] 3 All ER 965; (1969) 113 SJ 896 (Ch D)	211
Seton v Dawson (1841) 4 D 310 (Ct of Sess (IH))	125
Shalson v Russo [2003] EWHC 1637 (Ch); [2005] Ch 281; [2005] 2 WLR 1213; [2003] WTLR 1165	88
Shaw v Applegate [1977] 1 WLR 970; [1978] 1 All ER 123; (1978) 35 P & CR 181 (CA)	319, 320
Sheffield v Sheffield [2013] EWHC 3927 (Ch); [2014] WTLR 1039	319
Sherly v Fagg (1665) 1 Chan Cas 68; 22 ER 669	67
Sidny v Ranger (1841) 12 Sim 118 (Ch); 59 ER 1076	109
Sieff v Fox [2005] EWHC 1312 (Ch); [2005] 1 WLR 3811; [2005] 3 All ER 693; [2005] BTC 452	139, 140, 142, 146
Sigma Finance Corporation [2009] UKSC 2; [2010] 1 All ER 571; [2010] BCC 40; (2009) 159 NLJ 1550	228
Silven Properties Ltd v Royal Bank of Scotland plc [2003] EWCA Civ 1409; [2004] 1 WLR 997; [2004] 4 All ER 484; [2003] BCC 1002	223, 234
Silverwood v Silverwood (1997) 74 P & CR 453 (CA)	262, 264

Simner v New India Assurance Co Ltd [1995] LRLR 240; (1994) <i>The Times</i> , July 21 (QBD)	321
Sinclair Investment Holdings SA v Versailles Trade Finance Ltd (in Administrative Receivership) [2007] EWHC 915 (Ch); [2007] 2 All ER (Comm) 993; (2007–08) 10 ITELR 58	96
Sinclair Investments (UK) Ltd v Versailles Trade Finance Ltd (In Administration) [2011] EWCA Civ 347; [2012] Ch 453; [2011] 3 WLR 1153; [2011] 4 All ER 335	75, 76
Siqueira v Noronha [1934] AC 332; [1934] All ER Rep 78; [1934] 2 WWR 117 (PC (Eastern Africa))	173
Sir John Webb's Case (1620) Palmer 157; 81 ER 1025	70
Skeats' Settlement, Re (1889) 42 Ch D 522 (Ch D)	86
SL Sethia Liner Ltd v Naviagro Maritime Corp'n (The Kostas Melas) [1981] 1 Lloyd's Rep 18; [1980] Com LR 3 (QBD)	47
Smit Tak International Zeesleepen Bergingsbedrijf BV v Selco Salvage Ltd [1988] 2 Lloyd's Rep 398 (Ch D)	227, 231, 232, 245, 247
Smith, Re [1896] 1 Ch 71 (Ch D)	211
Smith v Clay (1767) Amb 645; 27 ER 419	v
Smith v Clay (1767) 3 Bro CC 646; 29 ER 743	317
Smith v Houblon (1859) 26 Beav 482; 53 ER 984	86
Smith and Helen his Wife v French (1741) 2 Atk 243; 26 ER 550	328
Smith New Court Securities Ltd v Scrimgeour Vickers (Asset Management) Ltd [1997] AC 254; [1996] 3 WLR 1051; [1996] 4 All ER 769 (HL)	234
Smyth v Toms [1918] 1 IR 338	229
Solly v Whitfield (1674) Lord Nottingham's Chancery Cases, vol I (1954) 73 Selden Society [169]	68
Somerset, Re [1894] 1 Ch 231 (CA)	314
Sorrell v Carpenter (1728) 2 P Wms 482; 24 ER 825	71
South v Bloxam (1865) 2 H&M 457; 71 ER 541	233
South Australia Asset Management Corp v York Montague Ltd [1997] AC 191; [1996] 3 WLR 87; [1996] 3 All ER 365 (HL)	219
South Sea Co v Wymondsell (1732) 3 P Wms 143	302
Southwall v Huddleston (1522) Richard Pollard's Notebook (2004) 121 Selden Society 253–[16] (CP)	58
Spalding v Shalmer & St Amond (1684) 1 Vern 301; 23 ER 483	193
Special Commissioners of Income Tax v Pemsel [1891] AC 531 (HL)	116
Speight, Re; Speight v Gaunt (1883) 22 Ch D 727 (CA)	160, 198
Speight v Gaunt (1883) 9 App Cas 1 (HL)	160, 198, 218
Spread Trustee Company Ltd v Hutcheson [2011] UKPC 13; [2012] 2 AC 194; [2012] 2 WLR 1360; [2012] 1 All ER 251 (PC (Guernsey))	8, 124, 125, 126, 131, 217
Stafford v Stafford (1857) 1 De G&J 193; 44 ER 697	81, 318
Stanhope v Earl Verney (1761) 2 Eden 81; 28 ER 826	53
State Bank of India v Sood [1997] Ch 276; [1997] 2 WLR 421; [1997] 1 All ER 169 (CA)	97
State Fire Insurance Co, Re (1863) Hem & M 457; 71 ER 200	238
Stephens v Avery [1988] 1 Ch 449; [1988] 2 WLR 1280; [1988] 2 All ER 477 (Ch D)	269
Stephenson (Inspector of Taxes) v Barclays Bank Trust Co Ltd [1975] 1 WLR 882; [1975] 1 All ER 625; [1975] STC 151 (Ch D)	93
Stevens, Re [1898] 1 Ch 162 (CA)	176

Stevenson v Robinson (1868) 37 LJ Ch 499	84
Stiles v Cowper (1748) 3 Atk 692; 26 ER 1198	316
Stiles v Guy (1832) 4 Y & C Ex 571; 160 ER 1137	204
Stimson v Hall (1857) 1 H & N 831; 156 ER 1436	47
Stone & Rolls Ltd (In Liquidation) v Moore Stephens (A Firm) [2009] UKHL 39; [2009] 1 AC 1391; [2009] 3 WLR 455; [2009] 4 All ER 431	264
Stratton, Re; ex p Salting (1884) LR 25 Ch D 148 (CA)	222, 226, 227
Summers v Fairclough Homes Ltd [2012] UKSC 26; [2012] 1 WLR 2004; [2012] 4 All ER 317; [2012] 4 Costs LR 760	272
Sutton v England [2011] EWCA Civ 637; [2012] 1 WLR 326; [2011] WTLR 1235; [2011] NPC 59	91
Styles v Guy (1849) 1 Mac & G 422; 41 ER 1328	200, 216
Tabor v Brooks (1878) 10 Ch D 273 (Ch D)	146
Tappenden v Randall (1801) 2 B&P 467; 126 ER 1388	254
Target Holdings Ltd v Redferns [1996] AC 421; [1995] 3 WLR 352; [1995] 3 All ER 785 (HL)	9, 10, 83, 156, 158, 161, 162, 163, 164, 166, 167, 170, 171, 172, 176, 178, 179, 180, 181
Target Holdings Ltd v Redferns (Permission to Appeal Out of Time) (1998) 95(41) LSG 45; (1998) The Times, October 10 (Ch D)	161
Tarleton v Hornby (1836) 1 Y & C Ex 333; 160 ER 135	204
Taylor v Bhail [1996] CLC 377; 50 Con LR 70 (CA)	265
Taylor v Davies [1920] AC 636; 89 LJPC 65 (PC (Can))	300, 301
Taylor v Tabrum (1833) 6 Sim 281, 282; 58 ER 599	187
Tempest v Lord Camoys (1882) 21 Ch D 571 (CA)	63, 146
Thomas, Re [1894] 1 QB 747 (CA)	260
Thompson v Finch (1856) 22 Beav 316; 52 ER 1130; 8 De GM & G 560; 44 ER 506 (CA)	204, 205–6
Thomson v Eastwood (1877) 2 App Cas 215 (HL)	321
Thorner v Sheard (1850) 12 Beav 589; 50 ER 1186	204
Thorner v Major [2009] UKHL 18; [2009] 1 WLR 776; [2009] 3 All ER 945; [2009] 2 FLR 405	313
Thornton v Hawley (1804) 10 Ves Jun 129; 32 ER 793	85
Tidd v Lister (1853) 3 De GM & G 857; 43 ER 336	230
Timpson's Executors v Yerbury (Inspector of Taxes) [1936] 1 KB 645; [1936] 1 All ER 186 (CA)	94
Tinsley v Milligan [1992] Ch 310; [1992] 2 WLR 508; [1992] 2 All ER 391 (CA)	270, 271, 286
Tinsley v Milligan [1994] 1 AC 340; [1993] 3 WLR 126; [1993] 3 All ER 65 (HL)	12, 249, 250, 252, 261, 262, 263, 264, 265, 270–271, 288–289
Titly v Davies (1743) 2 Y&C Ch 399; 63 ER 177	222
Tomlin v Luce (1889) 43 Ch D 191 (CA)	234
Top Brands Ltd v Sharma [2014] EWHC 2753 (Ch); [2015] 2 All ER 581; [2015] 1 All ER (Comm) 1142; [2015] 1 BCLC 546	143, 144, 148
Total Network SL v HMRC [2008] UKHL 19; [2008] 1 AC 1174; [2008] 2 WLR 711; [2008] 2 All ER 413	234
Tourville v Naish (1734) 3 P Wms 307; 24 ER 1077	69
Towndrow, Re [1911] 1 Ch 662 (Ch D)	211
Townley, Re [1922] 1 Ch 154 (Ch D)	220

Townley v Sherborne (1633) Bridgman 35; 123 ER 1181	191–192, 193
Trafford v Boehm (1746) 3 Atk 440; 26 ER 1054	314
Tribe v Tribe [1996] Ch 107; [1995] 3 WLR 913; [1995] 4 All ER 236 (CA)	262
Trimmer v Bayne (1803) 9 Ves Jun 209; 32 ER 582	224, 228, 230
Trump International Golf Club Scotland Ltd v Scottish Ministers [2015] UKSC 74; [2016] 1 WLR 85; [2017] 1 All ER 307; 2016 SLT 9	133
Trutch v Lamprell (1855) 20 Beav 116; 52 ER 546	205
Turner, Re [1897] 1 Ch 536 (Ch D)	186, 190, 210
Turner v Collins (1871) LR 7 Ch App 329	319
Turner v Sterling (1671) Freem KB 15; 89 ER 13	171
Turner v Trelawny (1841) 12 Sim 49; 59 ER 1049	321
Turner v Turner [1984] Ch 100; [1983] 3 WLR 896; [1983] 2 All ER 745 (Ch D)	87
Twyford v Trail (1834) 7 Sim 92; 58 ER 771	204
Ultraframe (UK) Ltd v Fielding [2005] EWHC 1638 (Ch); [2007] WTLR 835; [2006] FSR 17	96, 138
Underwood v Stevens (1816) 1 Mer 712; 35 ER 833	200
University of Nottingham v Fishel [2000] ICR 1462; [2000] IRLR 471; [2001] RPC 22 (QBD)	255
Vandebende v Levingston (1674) 3 Swan 625; 36 ER 999	193
Vandervell v IRC [1967] 2 AC 291; [1967] 2 WLR 87; [1967] 1 All ER 1 (HL)	95, 96
Various Claimants v Giambrone and Law (A Firm) [2017] EWCA Civ 1193; [2018] PNLR 2	10, 179, 181
Villers v Beaumont (1556–37) 2 Dyer 146b; 73 ER 319	59
Wallwyn v Lee (1803) 9 Ves Jun 25; 32 ER 509	66
Walker v Stones [2001] QB 902; [2001] 2 WLR 623; [2000] 4 All ER 412 (CA)	90
Walker v Symonds (1818) 3 Swan 1; 36 ER 751	81, 202–203, 204, 211, 314, 315
Wallis v Woodyear (1855) 2 Jur (NS) 179	220, 230, 235, 236
Walsh v Lonsdale (1882) 21 Ch D 9 (CA)	282
Ware v Lord Egremont (1854) 4 De G M & G 460; 43 ER 546; (1854) 4 De G M & G 473; 43 ER 592	72
Watling v Lewis [1911] 1 Ch 414 (Ch D)	128
Watt v Assets Co Ltd [1905] AC 317; (1905) 7 F (HL) 104; (1905) 13 SLT 147 (HL)	319
Webb v Smith (1885) 30 Ch D 192 (CA)	224, 226, 227, 230, 245
Webb v Stenton (1883) 11 QBD 518 (CA)	170
Webster v Le Hunt (1860) 8 WR 534; (1861) 9 WR 918 (Ch)	213
Wedderburn v Wedderburn (1836) 2 Keen 722; 48 ER 807	314
Wegg-Prosser v Wegg-Prosser; Somers-Cocks, Re [1895] 2 Ch 449 (Ch D)	220
Weld v Petre [1929] 1 Ch 33 (CA)	317
West v Reid (1843) 2 Hare 249; 67 ER 104	73
Westdeutsche Landesbank Girozentrale v Islington LBC [1996] AC 669; [1996] 2 WLR 802; [1996] 2 All ER 961 (HL)	60, 62, 78, 79
Westley v Clarke (1759) 1 Eden 357; 28 ER 723	198, 199
White v White (1798–1804) 5 Ves Jr 554; 31 ER 735	324
Whitmore-Searle v Whitmore-Searle [1907] 2 Ch 332 (Ch D)	84
Wikes v Morefoots (1587) Cro Eliz 86; 78 ER 344	64
Wild v Simpson [1919] 2 KB 544 (CA)	260, 261
Wildgoose v Wayland (1601) Gouldsborough 147; 75 ER 1056	64
Wilkins v Hogg (1861) 3 Giff 116; 66 ER 346 (VC)	217
Wilkinson v Parry (1826) 4 Russ 272; 38 ER 808	314