

TRACING ESSAY PLAN/NOTES

Following and Tracing

- What has happened to the trust property?
- Two techniques for identifying trust property are following and tracing
- Fosskett v McKeown 2000:
- '[Following and tracing] are both exercises in locating assets which are or may be taken to represent an asset belonging to the [the beneficiaries] and to which they assert ownership. The processes of following and tracing are, however, distinct. Following is the process of following the same asset as it moves from hand to hand. Tracing is the process of identifying a new asset as the substitute for the old.'

Tracing at common law:

- Shown in Taylor v Plumer 1815- 'It makes no difference in reason or law into what other form, different from the original, the change may have been made ... for the product or the substitute for the original thing still follows the nature of the thing itself as long as it can be ascertained to be such, and the right only ceases when the means of ascertainment fail, which is the case when the subject is turned into money, and mixed and confounded in a general mass of the same description' - Lord Ellenborough
- Cannot trace through a mixed fund: Banque Belge Pour L'Etranger v Hambrouck 1921
- Can't trace electronic transfers: Agip (Africa) Ltd v Jackson (1990)

Tracing and claiming at common law

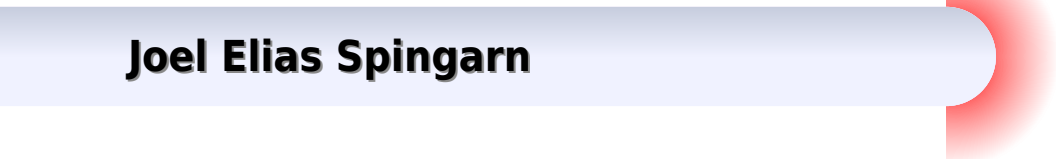
- Limitation of common law remedies is that you don't have a proprietary remedy
- Personal remedies only: *Lipkin Gorman (a Firm) v Karpnale* (1992)-recognised a principle of unjust enrichment, case facts:
 - Money had and received (on facts of *Lipkin*; conversion available for personal property other than money)
 - Recognised principle of unjust enrichment
 - Recognised change of position defence
- Personal remedy vindicating a proprietary claim: *Jones (FC) & Sons v Jones* 1997

A new role for equitable tracing?

- '[T]racing in equity is (to say the least) a complicated subject and, although the ideal would be to have simple rules of general application, the fact is that the court's approach has, understandably and rightly been influenced by the context in which a tracing problem arises.
- Many of the earlier cases concerned fiduciaries who, without any fraudulent intention and in days when professional rules about segregation of clients' funds

Tracing The Essay Tracing The Essay

Joel Elias Spingarn



Tracing The Essay Tracing The Essay:

Tracing the Essay G. Douglas Atkins, 2010-02-25 The essay as a notably hard form of writing to pin down has inspired some unflattering descriptions It is a greased pig for example or a pair of baggy pants into which nearly anything and everything can fit In Tracing the Essay G Douglas Atkins embraces the very qualities that have moved others to accord the essay second class citizenship in the world of letters Drawing from the work of Montaigne and Bacon and recent practitioners such as E B White and Cynthia Ozick Atkins shows what the essay means and how it comes to mean The essay related to assaying attempting mines experience for meaning which it then carefully weighs It is a via media creature says Atkins born of and embracing tension It exists in places between experience and meaning literature and philosophy self and other process and product form and formlessness Moreover as a literary form the essay is inseparable from a way of life requiring wisdom modesty and honesty The essay was historically notes Atkins the first form to take the experience of the individual and make it the stuff of literature Atkins also considers the essay s basis in Renaissance and Reformation thinking and its participation in voyages of exploration and discovery of that age Its concern is home cosmography to use a term from seventeenth century writer William Habington Responding to influential critiques of the essay s supposed self indulgence lack of irony and absence of form Atkins argues that the essay exhibits a certain sneakiness as it proceeds in through and by means of the small and the mundane toward the spiritual and the revelatory **The Essay At the Limits** Mario

Aquilina, 2021-04-08 In the hands of such writers as Rebecca Solnit Claudia Rankine David Shields Zadie Smith and many others the essay has re emerged as a powerful literary form for tackling a fractious 21st century culture The Essay at the Limits brings together leading scholars to explore the theory the poetics and the future of the form The book links the formal innovations and new voices that have emerged in the 21st century essay to the history and theory of the essay In so doing it surveys the essay from its origins to its relation to contemporary cultural forms from the novel to poetry film to music and from political articles to intimate lyrical expressions The book examines work by writers such as Theodor W Adorno Kwame Anthony Appiah Francis Bacon James Baldwin Roland Barthes Maurice Blanchot Ta Nehisi Coates Annie Dillard Brian Dillon Jean Genet William Hazlitt Samuel Johnson Karl Ove Knausgaard Ben Lerner Audre Lorde Oscar Wilde Michel de Montaigne Zadie Smith Rebecca Solnit Wallace Stevens Eliot Weinberger and Virginia Woolf **Equity & Trusts** Richard

Clements, Ademola Abass, 2011-07-14 Complete Equity and Trusts provides a blend of explanatory text cases and materials making it ideal for students new to the subject In this student centred and approachable text complex topics are explained clearly and succinctly **Complete Equity and Trusts** Richard Clements, Ademola Abass, 2018 Complete Equity they ve been carefully developed with teachers to offer law students more than just a presentation of the key concepts Instead they offer a complete package Only by building on the foundations of the subject by showing how the law works demonstrating its application through extracts from cases and judgments and by giving students the tools and the confidence to think critically

about the law will they gain a complete understanding This book is accompanied by free online resources which feature resources for students and lecturers including the following Guidance for answering end of chapter questions in the book Self test question with instant feedback A flashcard glossary of key terms Updates on legislation and case law The Early Diagnosis of Heart Failure and Other Essays on the Heart and Circulation T. Stacey Wilson, 1915 Cases and Materials on the Law of Restitution Andrew S. Burrows, Ewan McKendrick, James Edelman, 2007 Cases and Materials on the Law of Restitution is an authoritative and scholarly guide written by leading experts who have shaped and defined the law of restitution and unjust enrichment Extensive coverage of cases and academic perspectives provides a rounded view of the subject Introductions notes and questions enable readers to check their understanding of key issues The second edition of this seminal title covers many important new cases and academic publications including Birk's absence of basis approach The coverage reflects the continuing debates on questions such as BL what is an enrichment BL was the enrichment at the claimant's expense BL what is the role of tracing BL when will proprietary restitution be granted BL when does change of position operate as a defence BL and does corrective justice underpin this area of the law The book's structure has been updated to reflect the judicial development of the law of restitution providing a map through this complex subject This book is invaluable for undergraduate postgraduate and doctoral students as well as academics working in the area Century Readings in the English Essay Louis Wann, 1926 The Bookman, 1899 **Critical and historical essays contributed to the Edinburgh review, ed. by F.C. Montague** Thomas Babington Macaulay Baron Macaulay, 1903 **Stories and essays: a series of exercises in English composition** Blackie & Son, Blackie and son, Ltd, 1888 **Pitirim A. Sorokin** Barry V. Johnston, 1995 Pitirim A Sorokin 1889 1968 was one of the most original important and controversial figures in American sociology His spectacular rise from a peasant childhood in Czarist Russia to the Olympian heights of Harvard University provides an unlikely and fascinating lens for examining the history of an entire discipline And as Barry Johnston shows his equally dramatic fall from favor and unexpected resurrection illuminate both Sorokin's life and the tempestuous world of academic politics An outspoken revolutionary and secretary to Alexander Kerensky Sorokin was imprisoned and ordered executed by Lenin then reprieved and exiled During the 1920s he flourished as a teacher and scholar at the University of Minnesota where he published several pioneering books on the Russian Revolution social mobility sociological theory and rural sociology Harvard president A Lawrence Lowell was so impressed that he recruited Sorokin to chair the university's first department of sociology From 1930 to 1944 the department prospered under Sorokin's leadership attracting an entire generation of young scholars who in their own right would have a profound impact on the discipline In this period Sorokin published several volumes of his magnum opus *Social and Cultural Dynamics* and became embroiled in a bitter battle with rival Talcott Parsons for control of the department Parsons ultimately deposed Sorokin and transformed sociology into the Department of Social Relations Sorokin nevertheless stayed on at Harvard where he established the Center for Creative

Altruism but otherwise continued to work in relative obscurity Finally in 1963 after years in eclipse Sorokin was recognized for his accomplishments when he was elected president of the American Sociological Association During a long and distinguished career Sorokin amassed an amazingly diverse and substantial body of work much of which set the standard for the field At the same time he broke with the conventions of sociology frequently ridiculing and taunting his less adventurous colleagues For his heresy the flamboyant Sorokin was condemned and driven to the periphery of a profession anxious for legitimacy as a science As a result Sorokin s ideas have been consistently ignored and misunderstood for more than a quarter century Based on exhaustive research in Sorokin s papers and the Harvard archives as well as interviews with Sorokin s surviving family members former students and colleagues this biography restores Sorokin to his rightful place in the pantheon of American intellectuals

The Nation ,1916 *Critical Essays of the Seventeenth Century ...* Joel Elias Spingarn,1908 **English essays, with an intr. by J.H. Lobban** John Hay Lobban,1896 Critical and Historical Essays Contributed to the Edinburgh Review ... Ed. with Introduction, Notes and Index by F. C. Montague Thomas Babington Macaulay Baron Macaulay,1903 *Eighteenth Century Essays on Shakespeare* David Nichol Smith,1903 **Handbook for Literary and Debating Societies** Laurence M. Gibson,1898 **Critical and Historical Essays Contributed to the Edinburgh Review** Thomas Babington Macaulay Baron Macaulay,1903 **Sermons and Essays on the Apostolical Age** Arthur Penrhyn Stanley,1874 **Essays on the Languages, Literature, and Religion of Nepal and Tibet** Brian Houghton Hodgson,1874

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