

TRACING ESSAY PLAN/NOTES

Following and Tracing

- What has happened to the trust property?
- Two techniques for identifying trust property are following and tracing
- *Foskett 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

D. Simmons



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 Postmodernism: Foundational essays

Victor E. Taylor, Charles E. Winquist, 1998 **Alexander Pope's Catholic Vision** G. Atkins, 2013-04-26 A fresh look at the greatest poet of early eighteenth century England this highly readable book focuses on Pope's religious thinking and major poems G Douglas Atkins extends the argument that the Roman Catholic poet was no Deist closet or otherwise *Classic*

Essays in Early Rabbinic Culture and History Christine Hayes, 2018-04-17 This volume brings together a set of classic essays on early rabbinic history and culture seven of which have been translated into English especially for this publication The studies are presented in three sections according to theme 1 sources methods and meaning 2 tradition and self invention and

3 rabbinic contexts The first section contains essays that made a pioneering contribution to the identification of sources for the historical and cultural study of the rabbinic period articulated methodologies for the study of rabbinic history and culture or addressed historical topics that continue to engage scholars to the present day The second section contains pioneering contributions to our understanding of the culture of the sages whose sources we deploy for the purposes of historical reconstruction contributions which grappled with the riddle and rhythm of the rabbis emergence to authority or pierced the veil of their self presentation The essays in the third section made contributions of fundamental importance to our understanding of the broader cultural contexts of rabbinic sources identified patterns of rabbinic participation in prevailing cultural systems or sought to define with greater precision the social location of the rabbinic class within Jewish society of late antiquity The volume is introduced by a new essay from the editor summarizing the field and contextualizing the reprinted papers About the series Classic Essays in Jewish History Series Editor Kenneth Stow The 6000 year history of the Jewish peoples their faith and their culture is a subject of enormous importance not only to the rapidly growing body of students of Jewish studies itself but also to those working in the fields of Byzantine eastern Christian Islamic Mediterranean and European history Classic Essays in Jewish History is a library reference collection that makes available the most important articles and research papers on the development of Jewish communities across Europe and the Middle East By reprinting together in chronologically themed volumes material from a widespread range of sources many difficult to access especially those drawn from sources that may never be digitized this series constitutes a major new resource for libraries and scholars The articles are selected not only for their current role in breaking new ground but also for their place as seminal contributions to the formation of the field and their utility in providing access to the subject for students and specialists in other fields A number of articles not previously published in English will be specially translated for this series Classic Essays in Jewish History provides comprehensive coverage of its subject Each volume in the series focuses on a particular time period and is edited by an authority on that field The collection is planned to consist of 10 thematically ordered volumes each containing a specially written introduction to the subject a bibliographical guide and an index All volumes are hardcover and printed on acid free paper to suit library needs Subjects covered include The Biblical Period The Second Temple Period The Development of Jewish Culture in Spain Jewish Communities in Medieval Central Europe Jews in Medieval England and France Jews in Renaissance Europe Jews in Early Modern Europe Jews under Medieval Islam Jews in the Ottoman Empire and North Africa

The Cambridge Companion to The Essay Kara Wittman,Evan Kindley,2022-11-03 The Cambridge Companion to the Essay considers the history theory and aesthetics of the essay from the moment it s named in the late sixteenth century to the present What is an essay What can the essay do or think or reveal or know that other literary forms cannot What makes a piece of writing essayistic How can essays bring about change Over the course of seventeen chapters by a diverse group of scholars The Companion reads the essay in relation to poetry fiction natural science philosophy critical

theory postcolonial and decolonial thinking studies in race and gender queer theory and the history of literary criticism This book studies the essay in its written photographic cinematic and digital forms with a special emphasis on how the essay is being reshaped and reimagined in the twenty first century making it a crucial resource for scholars students and essayists

Body Art/performing the Subject Amelia Jones,1998 With great originality and scholarship Amelia Jones maps out an extraordinary history of body art over the last three decades and embeds it in the theoretical terrain of postmodernism The result is a wonderful and permissive space in which the viewer can wander Moira Roth Trefethen professor of art history Mills College

The Politics of the Essay Ruth-Ellen B. Joeres,Elizabeth Mittman,1993 The Politics of the Essay is that rare scholarly work that provides both a history of this relatively new field and of its formal characteristics and inspires its readers to want to participate in the making of this history Signs The first in depth study of the relationship between women and essays Employing gender race class and national identity as axes of analysis this volume introduces new perspectives into what has been a largely apolitical discussion of the essay Includes an original essay by Susan Griffin

The Collected Essays of Virginia Woolf Virginia Woolf,2023-12-05 In The Collected Essays of Virginia Woolf the notable modernist author presents a rich tapestry of her thoughts on various subjects ranging from literature and art to feminism and politics Woolf s innovative prose style characterized by its fluid intertwining narratives reflects her belief in the fluidity of consciousness The anthology offers a nuanced understanding of early 20th century societal transformations and how they intersect with the lives of women making it both a historical document and a profound literary exploration of identity and experience Virginia Woolf a central figure in the modernist movement was a pioneer in exploring the inner workings of the human mind Influenced by her own life experiences including her struggles with mental illness and her commitment to feminist principles Woolf s essays articulate a vision for both personal and societal change Her intellectual pursuits at the Hogarth Press and relationships with contemporaries such as T S Eliot and E M Forster informed her perspectives resulting in an essay collection that is as thought provoking as it is personal I highly recommend The Collected Essays of Virginia Woolf to readers seeking an insightful lens through which to examine the complexities of early modern thought Woolf s essays not only resonate with contemporary discussions of gender and creativity but also invite readers to reflect on their own consciousness and the world around them In this enriched edition we have carefully created added value for your reading experience A comprehensive Introduction outlines these selected works unifying features themes or stylistic evolutions The Author Biography highlights personal milestones and literary influences that shape the entire body of writing A Historical Context section situates the works in their broader era social currents cultural trends and key events that underpin their creation A concise Synopsis Selection offers an accessible overview of the included texts helping readers navigate plotlines and main ideas without revealing critical twists A unified Analysis examines recurring motifs and stylistic hallmarks across the collection tying the stories together while spotlighting the different work s strengths Reflection questions inspire deeper

contemplation of the author's overarching message inviting readers to draw connections among different texts and relate them to modern contexts Lastly our hand picked Memorable Quotes distill pivotal lines and turning points serving as touchstones for the collection's central themes

The Complete Works of Joseph Conrad: Novels, Short Stories, Memoirs, Essays & Letters Joseph Conrad, 2023-12-08 The Complete Works of Joseph Conrad offers an expansive exploration of the literary genius that defined early 20th century modernism This anthology encompasses Conrad's novels short stories memoirs essays and letters showcasing his intricate narrative techniques and profound psychological depth Through a diverse tapestry of themes such as colonialism existentialism and moral ambiguity Conrad's works immerse the reader in a world marked by both adventure and introspection His distinctive use of language marked by symbolic imagery and complex characterizations invites readers to grapple with the ambiguous nature of human experience in the context of a rapidly changing world Joseph Conrad born in Poland in 1857 and later becoming a British citizen drew from his own experiences as a sailor to inform his narratives His deep seated understanding of cultural dislocation and the psychological struggles of individuals within oppressive societal systems shaped his literary output Conrad's unique background as an outsider in both Polish and British societies lends an additional layer of authenticity to his critiques of imperialism and human nature thus establishing him as a pivotal figure in modern literature For readers seeking to understand the nuanced interplay of humanity and morality this collection is an indispensable resource The Complete Works of Joseph Conrad not only encapsulates the richness of his literary contributions but also serves as an essential study for anyone interested in the evolution of narrative form and thematic complexity in literature Engage with Conrad's profound insights and embark on a journey through the psychological landscapes that continue to resonate in contemporary discourse In this enriched edition we have carefully created added value for your reading experience A comprehensive Introduction outlines these selected works unifying features themes or stylistic evolutions The Author Biography highlights personal milestones and literary influences that shape the entire body of writing A Historical Context section situates the works in their broader era social currents cultural trends and key events that underpin their creation A concise Synopsis Selection offers an accessible overview of the included texts helping readers navigate plotlines and main ideas without revealing critical twists A unified Analysis examines recurring motifs and stylistic hallmarks across the collection tying the stories together while spotlighting the different work's strengths Reflection questions inspire deeper contemplation of the author's overarching message inviting readers to draw connections among different texts and relate them to modern contexts Lastly our hand picked Memorable Quotes distill pivotal lines and turning points serving as touchstones for the collection's central themes

Replies to "Essays and Reviews" Edward Meyrick Goulburn, 1862 **Essays (third Series) on the Errors of Romanism** Richard Whately, 1850 **Replies to "Essays and Reviews."** By J. E. M. Goulburn, II. H. J. Rose, III. C. A. Heurtley, IV. W. J. Irons, v. G. Rorison, VI. A. W. Haddan, VII. C. Wordsworth. With a preface by the Lord Bishop

of Oxford; and letters from the Radcliffe Observer (R. Main) and the Reader in Geology in the University of Oxford (J. Phillips). ,1862 **The Early Diagnosis of Heart Failure and Other Essays on the Heart and Circulation** T. Stacey Wilson,1915 **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 *New Critical Essays on H.P. Lovecraft* D. Simmons,2013-07-03 The last ten years have witnessed a renewed interest in H P Lovecraft in academic and scholarly circles New Critical Essays on H P Lovecraft seeks to offer an expansive and considered account of a fascinating yet challenging writer both popular and critically valid but also problematic in terms of his depictions of race gender and class

Analytical Essay on the construction of Machines: translated from the French ... [With plates.] Ph. L. LANZ (and BETHENCOURT Y MOLINA (Augustin de)),1820 **Portugal and its Empire, 1250-1800 (Collected Essays in Memory of Glenn J. Ames).** Ivana Elbl,2012-08-30 The collection which appeared as Vol 17 No 1 of the Portuguese Studies Review features one of the last studies by Glenn Ames dealing with the Goa Inquisition and with Franco Portuguese rivalry in the Indian Ocean The study heads a collection of essays covering Portuguese late medieval nobiliary registers papal policy and Portuguese trade in sub Saharan Africa Portuguese Sebastianist millenarianism the visual staging of political power in Rio de Janeiro the commercial genesis of slave ethnonyms personal slave narratives and women s voting rights in Portugal The collection presents essays by Glenn J Ames Jos d Assun o Barros Ivana Elbl Jos Maur cio Saldanha lvarez Eduardo Medeiros Adriana Pereira Campos and Elsa M Dias **Ireland and Ecocriticism** Eóin Flannery,2015-10-05 This book is the first truly interdisciplinary intervention into the burgeoning field of Irish ecological criticism Providing original and nuanced readings of Irish cultural texts and personalities in terms of contemporary ecological criticism Flannery s readings of Irish literary fiction poetry travel writing non fiction and essay writing are ground breaking in their depth and scope Explorations of figures and texts from Irish cultural and political history including John McGahern Derek Mahon Roger Casement and Tim Robinson among many others enable and invigorate the discipline of Irish cultural studies and international ecocriticism on the whole This book addresses the need to impress the urgency of lateral ecological awareness and responsibility among Irish cultural and political commentators to highlight continuities and disparities between Irish ecological thought writing and praxis and those of differential international writers critics and activists and to establish both the singularity and contiguity of Irish ecological criticism to the wider international field of ecological criticism With the introduction of concepts such as ecocosmopolitanism deep history ethics of proximity Gaia Theory urban ecology and postcolonial environmentalism to Irish cultural studies it takes Irish cultural studies in bracing new directions Flannery furnishes working examples of the necessary interdisciplinarity of ecological criticism and impresses the relevance of the Irish context to the broader debates within international ecological criticism Crucially the volume imports ecological critical paradigms into the field of Irish

studies and demonstrates the value of such conceptual dialogue for the future of Irish cultural and political criticism This pioneering intervention exhibits the complexity of different Irish cultural and historical responses to ecological exploitation degradation and social justice **Essays on the Sociology of Perception** Mary Douglas, 2013-10-16 First published in 1982 this is one of Mary Douglas favourite books It is based on her meetings with friends in which they attempt to apply the grip group analysis from Natural Symbols The essays have been important texts for preparing grid group exercises ever since She is still trying to improve the argument of Natural Symbols and is always hoping to find better applications to illustrate the power of the two dimensions used for accurate comparison

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