

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

Ruth-Ellen B. Joeres, Elizabeth Mittman



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 *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 *Postmodernism: Foundational essays* Victor E. Taylor, Charles E. Winquist, 1998 *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

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

The Cambridge Companion to The Essay Kara Wittman,Evan Kindley,2022-11-03 The book studies the history and theory of the essay and its social political and aesthetic contexts

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

Writing Essays in English Language and Linguistics Neil Murray,2012-03-01 English language and linguistics shares many of its writing conventions with those of other disciplines but there are certain features and expectations that distinguish it as a subject This book is written

specifically to help undergraduate students of English language and linguistics develop the art of writing essays projects and reports Written by an author with over 30 years experience of lecturing in the subject it is a comprehensive and very readable resource and contains numerous discipline related examples practice exercises and an answer key It includes chapters on referencing including plagiarism paraphrase and guidance on referencing styles stylistic issues that often get overlooked and writing a dissertation The book offers practical guidance and a layout that guides students as they work through their project It will be an invaluable reference tool that students can read cover to cover or dip into as and when required

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

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