

ROYAL COURT
(Samedi Division)

20th February, 1997

31.

Before: P.R. Le Cras, Esq., Lieutenant Bailiff,
sitting alone

Between:	The American Endeavour Fund Ltd	Plaintiff
And:	Arthur I. Trueger	First Defendant
And:	Berkeley International Capital Corporation (A California Corporation)	Second Defendant
And:	London Pacific Group Ltd (formerly known as Govett & Co Ltd)	Third Defendant
And:	London Pacific International Ltd (formerly known as Berkeley Govett International Ltd)	Fourth Defendant
And:	James Hardie Industries Ltd	First Third Party
And:	Firmandale Investments Ltd	Second Third Party
And:	Robert A. Christensen	Third Third Party
And:	Alison Mary Holland	Fourth Third Party
	(by original action)	

AND

Between:	Berkeley International Capital Corporation (A California Corporation)	First Plaintiff
And:	London Pacific Group Ltd (formerly known as Govett & Co Ltd)	Second Plaintiff
And:	London Pacific International Ltd (formerly known as Berkeley Govett International Ltd)	Third Plaintiff
And:	The American Endeavour Fund Ltd	First Defendant
And:	James Hardie Industries Ltd	Second Defendant

And:	James Hardie Finance Ltd	Third Defendant
And:	Firmandale Investments Ltd	Fourth Defendant
And:	Michael G. Allardice	Fifth Defendant
And:	Robert A. Christensen	Sixth Defendant
And:	Graeme A. Elliott	Seventh Defendant
And:	Alison Mary Holland	Eighth Defendant
And:	Volaw Trust & Corporate Services Ltd	Ninth Defendant

(by way of counterclaim)

Application by the First, Second, Third and Fourth Defendants in the original action for an Order that:

- 1) Pursuant to the provisions of Rule 6/13(b) - (d) of the Royal Court Rules 1992, as amended or alternatively under the inherent jurisdiction of the Royal Court the reply of the Plaintiff in the original action should be struck out on the ground that: (a) it is scandalous, frivolous or vexatious; (b) it may prejudice, embarrass or delay the fair trial of the action; (c) it is otherwise an abuse of the process of the Court.

The summons was brought by the First to the Fourth Defendants to strike out the Reply on various grounds, viz that there were allegations of fraud which required to be pleaded in specific and clear terms, that it was a recharacterisation, that it was inconsistent with the Order of Justice, that so much of the Reply would fall to be removed that it would be useless with the result that the answer and Order of Justice would require amendment. Further, if the Reply were struck out it would be struck out of the answer to the counterclaim. The Reply should be considered "in the round". The Plaintiff contended that the Order of Justice was sufficient and the answer so widely drawn that it had to make a decision as to whether to seek to strike out the answer or to plead. The pleadings did not fail due to lack of particularity, were not a recharacterisation and were sufficient for present purposes even though they might require amendment before trial. Both parties wished to move forward (with a reservation as to Justice from the First to the Fourth Defendants) and in any case the rules as to inconsistency in pleadings were different in Jersey from those which were obtained in England. Last, the Court would have to make a specific finding on each objection in order to assess whether on removal the pleading had become worthless.

Held:

(1) that the summons requested only the striking out of the Reply (without mentioning the answer to the counterclaim and the Court would not go beyond the relief sought in the summons;

(2) that the style of pleadings had changed to follow the English style, and "inconsistency" had the same meaning as in England;

(3) that the Reply was to be taken "in the round" rather than by dealing with individual complaints in respect of which individual summonses could be issued;

(4) that while there was inconsistency, it was not "plain and obvious" that the reply should be struck out; and in any case any prejudice suffered by the First to the Fourth Defendants was outweighed by the need to press forward.

The summons was therefore dismissed.

Advocate J.G. White for the First, Second, Third and
Fourth Defendants in the original action.
Advocate W.J. Bailhache for the Plaintiff in the
original action.

JUDGMENT

LIEUTENANT BAILIFF: The summons which the Court is asked to consider is one brought by the First to Fourth Defendants ("the Defendants") to strike out the reply of the Plaintiff ("the Fund") in the original action.

5 As these proceedings are complicated, a brief preface may be helpful.

The disputes between the parties were commenced in the United States of America, but following rulings of the Federal Court and the State Court of California were commenced here by Order of Justice dated 10 24th October, 1995, issued by the Fund.

The Order of Justice runs to 228 paragraphs and 64 pages, makes serious allegations against the Defendants including fraud and breach of fiduciary duty, and asks for substantial damages. 15

These allegations are strongly denied by the Defendants who put in an answer, together with a counterclaim (which is made against other parties as well) in February, 1996. The counterclaim is for very 20 substantial damages. The answer runs to 486 paragraphs and 319 pages, not counting the counterclaim which follows.

On 7th June, 1996, the Fund filed a reply and an answer to the counterclaim which runs to 297 paragraphs and 248 pages not including 25 the defence to the counterclaim.

On 12th July, 1996, the defendants issued a summons to strike out the whole of the reply, and, following a hearing and an order made on 30 26th July, 1996, the summons now comes before the Court.

The summons is brought on a variety of grounds, but before turning to a consideration of these, there are three preliminary matters which should be mentioned.

35 First, the reply is repleaded in toto as forming part of the answer to the counterclaim.

5 Mr. White conceded, very properly, that the summons sought only to strike out the reply, but submitted that if the document ceased to exist the Fund could not continue to rely on it; so that it could not be repeated, with the consequence that if his clients' application were successful, the reply would disappear also from the answer to the counterclaim.

10 The Court does not accept this submission. The summons seeks only to strike out the reply of the Plaintiff in the original action. That is what is before the Court and that is what the Court has to decide.

15 The Court will not extend the boundaries of the relief sought by the summons. In passing, no submissions have been made regarding the answer where it occurs to the Court that different considerations might apply to those which are relevant to a reply.

20 Second, the Defendants complain about the drafting of the Order of Justice and the Fund complains about the answer and counterclaim. No application has, however, been made to strike either of these out, and both parties have pleaded to them.

25 Third, both parties advised the Court that they wished to move forward and get the action on for trial, subject, in Mr. White's submission, to the overriding interests of justice.

Mr. White put the Defendants' case in this way.

30 There was one constant background, which was that allegations of fraud had been made against the Defendants. In such a case there was an obligation to plead fraud in specific and clear terms and with the highest precision.

35 In support of this he cited the case of In the matter of Baltic Partners Ltd (18th April, 1996) Jersey Unreported CofA @ pp.14/25:

40 *"Allegations of fraud or dishonesty or lack of good faith are not to be made lightly in the Courts of Jersey. They are to be made only in specific and clear terms and with the support of credible evidence".*

In his submission the reply failed this test.

45 His clients needed to know where they stood with particularity, and the reply is so drawn that they do not know what claims they face. The reply confuses rather than clarifies the position, and, instead of narrowing the field in dispute, widens it. If it confuses it must, *ipso facto*, cause great prejudice. As an example he instanced the overviews in the reply, which, he submitted, were clearly an abuse of process.

50 The reply, further, is a recharacterisation of the Fund's claim. This is in itself improper and an unacceptable approach. The Defendants have to analyse which parts of the reply form a genuine reply, which are repeats, which are new claims and which are mere particulars which should more properly be included in the Order of Justice.

This was not a task which should face the Defendants. The Court should look at the document globally. When it did so it would see that it was an attempt to put the case in a different way.

5 In addition, the reply was inconsistent with the Order of Justice in that in a number of instances there was a conflicting pleading. Not only was the pleading in part inconsistent with, but it contained new claims absent from, the Order of Justice and in yet other cases changed the emphasis of the Order of Justice (*v. ultra*).

10 There were some 243 specific objections set out in a schedule produced by the parties under various headings (*v. ultra*).

15 So much of the reply would fall to be removed that the case would become unmanageable if it were left in. It would be too difficult to fillet it in part. The only answer was to strike it out and leave the Fund to seek to start afresh with a re-drawn Order of Justice (with regard to which he reserved his clients' position).

20 The proceedings were extraordinarily complicated. By early September of last year some 400,000 pages of documents had been provided to the Fund, and to proceed by way of Order of Justice, answer, reply and rejoinder would be to make the case unmanageable.

25 His clients were entitled to have all the allegations against them taken, or propounded, in one document with no inconsistent subsequent pleadings, and this was the more important where such serious allegations were made.

30 In addition, were those parts of the reply which were individually likely to be struck out, struck out, the Order of Justice would have to be amended and the answer would have to be amended, which would make the reply worthless as it would have to be amended in its turn.

35 The interests of justice and the manageability of the case should outweigh any prejudice caused by delay.

40 He accepted that the Court had to exercise a discretion and that the test was that of "plain and obvious", a test which, he submitted, his clients had fully satisfied. (RSC O.18/19/7).

In answer to these submissions Mr. Bailhache responded with a series of submissions.

45 First, the Defendants knew and know perfectly well the allegations of fraud against them. It is pleaded and clearly pleaded in the Order of Justice where the causes of action are plainly asserted, as well as the series of duties that lay upon them.

50 In answer to the Order of Justice the Defendants (in the broadest terms) had pleaded that the Fund knew and intended that the scheme should operate as it did, and in doing so had widened the issues beyond those pleaded in the Order of Justice.

55 The answer had pleaded what he described as "great chunks" of evidence e.g. in their overviews, and had, in addition, sought to shift

their ground e.g. many of the "defined" terms contained in the answer are meaningless to the Fund.

5 It was a hugely wide document, and the problem which faced the Fund was as to how to deal with it in such a way as to move the case forward the best way possible.

10 After consideration, the Fund had decided that it was the intention of the Defendants to induce the Fund to take an interlocutory process, which Mr. Bailhache described as being drawn into a bog. Instead, despite the difficulties of pleading to it, the Fund had done so.

15 The Fund, which is not yet in possession of all the facts is on a learning curve. The Defendants had pleaded with tortuous pedantry, and the reply will make it clearer why the Fund have pleaded as they have.

In his submission there was no merit in the claims of lack of particularity and recharacterisation.

20 As to any necessity to have all the allegations in the one document, this was answered by his submissions, *supra*, which would be supported by an analysis of the reply.

25 So far as concerned the submission that the reply would be so filleted if all the Defendants' objections were upheld as to be useless he flatly disagreed. A significant part of the reply would be left, and it would be wrong to strike out the whole when so great a part would still be good.

30 In any event the Court had to exercise a discretion and even if this course were desirable, there was no necessity for it at this stage of the proceedings.

35 He put it in this way, that pleadings fulfil different purposes at different times and while, naturally, he accepted that at trial, the pleadings must set out the case with sufficient precision so that no surprise was caused, nonetheless in interlocutory matters pleadings had a different purpose.

40 They were not to press the parties forward where no proper case was raised, but so long as they knew in general terms what was raised against them and would be material, then they could know what documents were necessary to be raised on discovery - which could be quite wide - and whom they should approach as witnesses. Just as the Defendants
45 required particularity, the Fund (which was due to be wound up in 1999) and its independent shareholders required progress.

50 In the instant case, when the parties have all the information, he accepted that it was virtually inevitable that there would be amendments.

55 It was, he submitted, a case of balancing when amendments ought to be done against the prime object of getting the proceedings forward to trial, even if the pleadings are not yet fit for trial.

Last, he challenged the Defendants' submissions as to the necessity and extent of consistency in the pleadings. In this he submitted that the rule here was not the same as that in England.

5 Given this conflict of views and its importance in the present proceedings, the Court considers it necessary to rule on this point before proceeding further.

10 Mr. White approached the problem in this way. The reply was served on 7th June, 1996, and on 27th June he had written to Mr. Bailhache claiming that not only was it a restatement but also that "it is unclear to what extent the reply is intended to supersede the Order of Justice".

15 In reply, Mr. Bailhache, on 2nd July, wrote to say that the Fund had filed an Order of Justice and a reply, and adding:

20 *"In those circumstances neither document contains by itself the definitive statement of the Fund's case, but the documents together do set out the Fund's claims and defences.*

Accordingly the Fund's case is not limited by the Reply nor is it limited by the Order of Justice; but we accept that in accordance with the usual rules, it is limited by the combined effect of the two pleadings.

25 Additional Complaints

30 *You suggest that the Reply contains various complaints which are not to be found in the Order of Justice. We confirm that the Fund's position is that its complaints are to be found in the Order of Justice and in the Reply, the two pleadings complimenting each other. To the very limited extent that there is inconsistency between the Order of Justice and the Reply, then the Reply would naturally stand".*

35 Although in his address he stated that he was considering only one comparatively minor addition, the Court finds that the letter does not make this clear, and that there is a clear division between the stances taken by the parties.

40 Mr. White submitted that the Court should, in this instance, base itself firmly on English practice.

45 The object of pleadings was to "enable the opposing party to know the case against him" (RSC O.18A).

Rule 6/8(1) of the Royal Court Rules sets out:

50 *Mode of pleading*

Subject to the provisions of this Rule, every pleading must contain, and contain only, a statement in a summary form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which those facts are to be proved, and the statement must be as brief as the nature of the case admits".

It is clear beyond peradventure that this Rule is based on RSC O. 18/7 and is thus the same as what he described as "the golden rule" set out in the RSC. This rule in the Royal Court being thus based on the RSC certain consequences ineluctably followed.

The RSC, even where the Rules are not exactly identical are of persuasive authority (see the well known passage in Lazard Brothers -v- Bois & Bois (1987-88) JLR 639 citing Cooper -v- Resch @ 648/1-6:

"We have used the White Book on other occasions as a guide, even where our rules are not exactly identical, but where they are a complete copy of the White Book we think there is even more reason for us to look at how those rules have been interpreted in the English jurisdiction. The decisions of course are not binding; they are of persuasive effect only".

Here, being so similar, they must at the least be of the very greatest authority.

If the Court accepted this proposition, certain others followed.

First, although inconsistent facts may be pleaded in a proper case (RSC O.18/7/17), a party is not in any pleading to make "any allegation of fact, or raise any new ground of claim, inconsistent with a previous pleading of his" RSC O.18/10.

A reply is of use where a mere denial would not define the issues. It is a "defence to a defence" and should not be used as an alternative to amending the statement of claim. In the words of RSC O.18/3/2 "He must not, however, put forward in his reply a new cause of action which is not raised either on the writ or in the statement of claim (Williamson -v- London and North Western Railway Co (1879) 12 Ch.D. 787)".

The whole object is to avoid the injustice of a party being taken by surprise, a principle quite rightly recognised by the Royal Court (on a slightly different point) in Golder -v- Société des Magasins Concorde Ltd (1967) JJ 721 @ 735 (see e.g. RSC O.18/12/1).

Mr. Bailhache's letter clearly showed, as did the pleading itself, that the reply was erected on the wrong base and should be struck out. He was entitled to have pleadings carried on in accordance with the rules and practice of the Court (see Herbert & Anor -v- Vaughan & Ors (1972) WLR 1128 @ 1134F); and the Fund had not done so.

In answer to these submissions, Mr. Bailhache agreed that the position in England was indeed that the reply should not contain new claims. This, however, he submitted, has never been the position in Jersey.

That the party could not plead "à deux fins" referred to the prayer and the introduction of the Royal Court Rules in the 1960's did not change the position. The Court did not insist on the niceties of pleading (Sayers -v- Briggs & Co (Jersey) Ltd (1963) JJ 249).

5 It was a long established rule that it was unnecessary to establish a legal label to a cause of action (MacRae -v- Jersey Golf Hotels Ltd (1973) JJ 2313 @ 2324-6) so long as it was adequately described.

10 The Defendants' case amounted to no more than this, that the Royal Court has regard to the RSC and that therefore we should follow them.

However, a closer examination shows that there are differences and exclusions.

15 RSC O.18/6 (formal requirements as to pleadings) forms no part of the Royal Court Rules, nor in Jersey (under Rule 6/8/9(2)) is leave to file a rejoinder required (cf. RSC O.18/4).

20 When comparing Rule 6/8(1) to RSC O.18/7, it was to be observed that the words "*and (subject) to Rules 7A, 10, 11 and 12*" had been omitted. As the draftsman had obviously had the RSC before him, the omission of the "departure" rule (RSC O.18/10) on which the Defendants relied must have been deliberately and specifically left out.

25 This is the more so as RSC O.18/8/1 reappears at Rule 6/8/5, and RSC O.18/11 (pleading a point of law) at Rule 6/8/6.

30 The Rule relating to particulars was different and in view of the context the maxim to apply was *inclusio unius exclusio alterius*. The omission must have been deliberate.

35 There was good reason for this exclusion. It was that the custom and practice in Jersey was quite the opposite to that in England.

40 As authority, he relied on two well-known cases in Jersey. The first was Latter -v- Doyen de Jersey et aut (1948) 50 H 305-311 where the pleadings demonstrated how the Plaintiff had changed his ground and the basis of his attack as the pleadings developed.

45 The second was de Gruchy, veuve Ottley -v- Luce (1960) CR 160 where the Court had found:

45 "*Vu que le style de procéder par devant la Cour Royale requiert les prétensions par écrit émises par les parties à une cause soient un résumé des débats*".

50 Thus the Court could have but did not adopt RSC O.18/10. It was obviously right to have regard to the RSC when the rule is the same or comparable, but in this instance, starting from a different base it was clear that the practice in the two jurisdictions diverged.

55 Thus anything new was not intrinsically an abuse of process. The level of inconsistency would decide whether the document should be struck out, but he used the term inconsistent to mean something other than it did in England.

He then cited Herbert -v- Vaughan (1972) WLR 1128 @ 1131H where Goff J, after considering the developments of the rule, stated:

5 *"I think it is clear that the change of terminology does subject "ground of claim" as well as "allegation of fact" to the adjective "inconsistent", but I think that "inconsistent" here does not mean "mutually exclusive" but merely "new" or "different"."*

10 However, Mr. Bailhache viewed inconsistency as being something really different, and, what was more, internally inconsistent as well. The English approach was not to be taken in Jersey.

15 He referred particularly to two other passages, the first at 1132A to demonstrate that the Rule in England had not always been enforced and the second at 1132C-H where the question discussed was *"whether the rules are so framed as to necessitate the putting of the parties to the unnecessary expense of beginning the pleadings de novo"*.

20 Even in England there was thus a discretion, and exceptions, one of them (see @ 1134A) being hardship.

25 In reply Mr. White submitted that the Rules had changed the old system, and the type of pleadings found in Latter and Ottley were no longer acceptable.

30 As to the finding in MacRae it was to be noted that the proposition from Poingdestre cited at p.2322 viz: *"(1) it must state the claim of the Plaintiff so that the Defendant may know with precision that which he is called upon to answer"* should now be read in conjunction with Rule 6/8(1) which quite clearly did not exist at the date of the judgment (see @ 2322) where the Court found that:

35 *"(The Royal Court Rules 1968) ...contain no rule corresponding to O.18/7(1) of the RSC, nor, indeed, any provision which bears on the matter now in issue"*.

40 The Court has no hesitation in accepting the submissions of Mr. White.

 The style of pleading has entirely changed over the last forty years and the old forms have been deliberately abandoned.

45 Pleadings are now based on the practice in England. Litigation in the Island is becoming much more complex, and the practice demonstrated in Latter, and the rationale enunciated in Ottley would simply make such cases unmanageable.

50 Inconsistent in the view of the Court does mean "new" or "different" and where a subsequent pleading is inconsistent the inconsistency ought ordinarily to be struck out, so that any inconsistent allegations are contained in the one pleading.

55 It is therefore on that basis but bearing in mind the submissions as to the way in which the Court should exercise its discretion that the Court approached the detailed objections of the Defendants.

Counsel did not agree as to the way in which the Court should deal with the objections.

5 Mr. Bailhache asserted, and on more than one occasion that if the Court were to find against the Fund, it would have to make a specific finding on each objection and having done so assess whether, after any offending part had been removed, there was any significant part of the pleading which remained.

10 Mr. White, in reply, submitted that this was not the correct way to deal with the application. The Defendants sought to strike out the whole document and the Court should not have to reach conclusions on individual items but should take it "in the round".

15 The Court accepts Mr. White's submissions on this point also. The time for consideration as to whether an individual item should be struck out is when a summons has been issued for that specific purpose. What is necessary here is to make a decision on the overall effect of the objections on the reply.

20 This did necessitate an examination of the objections and submissions on a considerable number of them by counsel, which lasted at a rough calculation for some five days or thereabouts.

25 The objections are broken down into various headings, viz:

Group A - new claims
Group B - new bases of claim
30 Group C - conflicts and contradictions.
Group D - failures to plead to the answer.
Group E - internal inconsistencies
Group F - incoherence and nonsensicality
Group G - argumentative and scandalous pleading.

35 The Court heard detailed submissions on some thirty of the objections, and was provided with a schedule setting out the contentions of the parties with regard to the remainder.

40 On a consideration of these submissions, and taking the document as a whole, the Court finds:

45 First, that the reply cannot properly be construed as a recharacterisation. It is a response to a widely drawn answer, and cannot, in the view of the Court, be said to respond improperly.

50 Second, that while the complaints as to particularity require to be assessed with care, it appears to the Court that the Defendants are very well aware of the problems they face. It is not fair to say that the reply confuses and widens the proceedings.

55 Third, there are quite clearly instances of inconsistency in the sense of "new" or "different", one at least of which, if the claim is struck out, will have a considerable impact on the pleadings.

That a pleading may be subject to amendment however, is not the same as saying that it is therefore wholly bad.

It cannot be said that these instances are so many or so numerous as to vitiate the whole reply. The proper course is to issue a summons dealing with the particular paragraphs.

5 Fourth, many of the objections were unsustainable. Some relied on a strained interpretation and a most pedantic reading. One or two, on which Mr. Bailhache alone addressed the Court were unworthy of serious consideration. Taken as a whole, it cannot be said that the effect of the objections would be such as to fillet the reply to such an extent
10 that it would be unmanageable.

All in all, the Defendants have failed to make out their case. That the reply should be struck out is far from being "plain and obvious".

15 Further, in weighing the "interests of justice" as put by Mr. White against the requirement to move forward with the proceedings the weight in the balance is all one way.

20 That the reply is subject to some amendment is clear without a doubt. That this is so and that the Defendants have some legitimate complaint, although not nearly so much as they assert, is greatly outweighed by the need to press forward. The Defendants know well enough the case against them and suffer no real prejudice from this
25 course, whereas the requirement to, in effect, restart the action would impose a real and unnecessary burden on the Fund.

For all these reasons, therefore, the summons is dismissed.

Authorities

Royal Court Rules (1992): Rules 6/8 and 6/13; 8/6 and 8/7.

RSC (1997 Ed'n): O. 18.

Inns of Court School of Law Drafting (1996/97): pp.19-23: 4: Principles and Rules of Pleading; pp.41 & 46: 7: Basic Statement of Claim in Tort and Contract; p.125: 15: Reply and Defence to Counterclaim.

Lazard Bros. -v- Bois & Bois (1987-88) JLR 639.

Golder -v- Société des Magasins Concorde Ltd (1967) JJ 721.

Finance & Economics Committee of the States of Jersey and Bastion Offshore Trust Co Ltd (9th October, 1991) Jersey Unreported CofA.

Christine Susan Kenny -v- Collin Martin Batty (9th October, 1995) Jersey Unreported.

Le Cocq -v- Penelope Ann Gillespie (12th March, 1991) JLR N.5.

Herbert & Anor -v- Vaughan & Ors (1972) WLR 1128.

Earp -v- Henderson (1875) 3 Ch.D. 255.

Williamson -v- London and North Western Railway Co (1879) 12 Ch.D. 787.

Rassam -v- Budge (1893) QBD 571.

Knowles -v- Roberts 38 Ch.D. 262.

Stokes -v- Grant & Ors (1878) 4 Common Pleas Division 25.

In Re Robinson's Settlement (1912) Ch.D. 717.

Blake -v- Albion Life Assurance Society (1876) QBD 663.

Liardet -v- Hammond Electric Light and Power Co (1883) Ch.D. 710.

Duckworth -v- McClelland (1878) QBD 527.

The British and Colonial Land Association (Limited) -v- Fostre and Robins (1887) Ch.D. 574.

Kingston -v- Corker (1892) Ch.D. (LR1) 364.

Mudge -v- Penge Urban Council (1916) Ch.D. 814.

Farrell -v- Secretary of State for Defence (1979) WLR 173.

Re Augustus Barnett & Son Ltd (1986) ECLC 171.

Lipkin Gorman -v- Karpnale Ltd & Anor (1989) WLR 1341.

In the matter of Baltic Partners Ltd (18th April, 1996) Jersey Unreported CofA.

Picot & Anor -v- Crill & Ors (17th February, 1995) Jersey Unreported CofA.

Royal Court (Jersey) Law 1948.

Sayers -v- Briggs & Co (Jersey) Ltd (1963) JJ 249.

Sayers -v- Briggs & Co (Jersey) Ltd (1964) JJ 399.

Warmerdam & Co (Crews Hill) Ltd -v- Bowie (1965) JJ 437.

Jackson -v- Jackson (1965) JJ 463.

Jackson -v- Jackson (1966) JJ 579.

Arbaugh -v- Leyland et ux (1967) JJ 745.

MacRae -v- Jersey Golf Hotels Ltd (1973) JJ 2313.

Thomas -v- Mark Amy Ltd et aut (1975) JJ 233.

Bowen et ux -v- Noel Investments Ltd (1990) JLR 184.

Channel Islands & International Law Trust Co Ltd et aux -v- Pike et aus (1990) JLR 27.

Le Gros: "Traité du Droit Coutumier de l'Île de Jersey" (Jersey, 1943): p.462.

Latter -v- Doyen de Jersey et aut (1948) 50 H 305-311.

de Gruchy, veuve Ottley -v- Luce (1960) CR 160.

Renton Gibbs & Co Ltd -v- Neville & Co [1900] 2 QBD 181.

Thermawear -v- Linton (20th October, 1995) TLR.

BCCI -v- Price Waterhouse & Ors (30th January, 1997) Unreported Judgment of the High Court of England.

RSC (1995 Ed'n): p.875: Chancery Division Practice Directions.

Practice Direction (Civil Litigation Case Management) [1995] 1 WLR 262.