

Index

- Abbott CJ (Lord Tenterden), 118, 119, 131, 151, 214
- Aberdare Iron Co, 439, 440, 450–451
- Abinger, Lord (Sir James Scarlett), 151, 209
- Acceleration clauses, 421–422
- Acceptance business, 24, 386–388
- Accommodation bills
 - evolution of, 437–439
 - financial crises, connection with, 437–439
 - fraud and, 437, 440
 - joint stock banks and, 439
 - overview, 379
 - railways and, 437–439
 - regulation of, 439–441
 - revival of, 441–442
- Accommodation of commercial practices
 - commercial sensitivity, 56–57
 - contractual interpretation, 55–56
 - determinative, practice as, 52–54
 - ejusdem generis* and, 55–56
 - overview, 31, 48
 - spectrum of, 52
 - standard form contracts, 53, 56
 - supporting authority, practice as, 54–55
- Adelaide Chamber of Commerce, 336
- Advances
 - accommodation bills (*See* Accommodation bills)
 - agency houses and, 16
 - on dock warrants, 408
 - joint stock banks and, 27
 - loans (*See* Loans)
 - overdrafts (*See* Overdrafts)
 - overview, 377–378, 411–413
 - purposes of, 412
 - reluctance of banks, 409–410
 - security for (*See* Security for advances)
 - short-term finance, 413–414
 - statistics, 412–413
 - unsecured lending, 422–424
- Agency bills, 386
- Agency houses
 - advances and, 16
 - buying agents, 17
 - emergence of, 16
 - home commission agents, 17
 - indents, 17
 - managing agents (*See* Managing agents)
- Agency law
 - agents (*See* Agents)
 - brokers and, 76–78
 - in commercial context, 129
 - distribution of goods and, 275–276
 - as equitable principle, 47
 - evolution of, 130–131
 - foreign principal doctrine, 155–157
 - fraud, liability of principal for, 137–139
 - liability of agents as principals, 153–154, 198
 - managing agents and, 187
 - overview, 128
 - power-conferring aspect of, 130
 - principal–agent distinction, 133–134
 - reasonable compliance with principal's instructions, 128, 143, 148–150, 197–198
 - undisclosed principal doctrine (*See* Undisclosed principal doctrine)
- Agents. *See also* Agency law
 - agent abuse, 131–132
 - apparent authority, 144–145, 197
 - arbitration and, 176–177
 - authority of, 143–145
 - brokers compared, 167–168
 - buying agents, 17
 - 'chameleon' character, brokers and agents, 171–173
 - coffee, 15–16

- Agents (cont.)
 commercial convenience and, 197–198
 commercial realities, impact on legal doctrine, 156–157
 commission agents, 128, 154–155
 companies and, 129
 compradors, 140, 141–142
 confirming agents (*See* Confirming agents)
 consignment, trend away from, 14–15
 contract, liability based on, 154
 cotton, 13–14
 custom and usage, liability based on, 153–154
 del credere agents (*See* Del credere agents)
 distribution of goods by, 20
 emergence of, 13–16
 estoppel and, 145
 evolution of, 127–128
 Factors Acts and, 143, 150–153, 198
 fiduciary duties of, 132
 foreign principal doctrine, 155–157
 fraud committed by, 137–139
 functions of, 196–197
 ‘holding out’, 143
 home commission agents, 17
 law, role of, 142–143
 liability as principals, 153–154, 198
 litigation and, 177–178
 local agents, 140–142
 managing agents (*See* Managing agents)
 misuse of term, 134–136
 multifunctional agents, 165, 173–178
nemo dat and, 150
 ostensible authority, 144–145, 197
 overview, 2, 13, 128–129, 196–197
 petrol, 135
 principals distinguished, 133–134
 reasonable compliance with principal’s instructions, 128, 143, 148–150, 197–198
 retailers incorrectly termed ‘agents’, 134–136
 rubber, 171–173
 sale of goods by, 21
 standard form contracts and, 143–144
 statute, liability based on, 154
 stock and station agents, 165
 textiles, 14–15
 tyres, 136
 undisclosed principal doctrine (*See* Undisclosed principal doctrine)
 usual authority, 144–145
 wheat, 15
- Agra Bank, 389–390, 392–393, 446, 448
 A. J. Dew & Co, 276
 Alexander & Co, 445
 Alexandra Brickworks Ltd, 186
 Alliance Insurance, 175–176
 Ambler, Eric, 127
 American Acceptance Council, 398
 American Bar Association, 204
 American Metal Co, 166
 American Viscose Corp, 20
 Andrew Yule & Co, 179, 181
 Anglo-American Oil Co Ltd, 277
 Anglo-Persian Oil Co Ltd, 189
 Antony Gibbs & Sons, 24
 Apparent authority, 144–145, 197
 Appropriation, 308–309, 345–346
 Arab Bank Ltd, 395
 Arbitration
 agents and, 176–177
 appeals, 366, 368–369
 arbitrators, 365–366, 367
 awards, 368
 confidentiality of, 366–367
 corn, 362–363, 365–369
 cotton, 362
 criticism of, 367
 grain, 364
 judicial intervention in, 370–371
 LCTA and, 365–369, 370–371
 in Liverpool, 362–363
 in London, 363–365
 noncompliance with awards, 369
 overview, 375
 publication of awards, 366–367
 resistance to, 364–365
 standard form contracts and, 330–331
 statistics, 368
 trade associations and, 362–365
 ‘usual manner’ clauses, 363–364
 Arbitration Act 1889, 370
 Arbitration Act 1934, 367
 Arbuthnot Latham (bank), 90
 Argentine North Eastern Railway Co Ltd, 251
 Arrivals contracts, 83–86
 A. Seurin & Co, 392–393
 Ashurst J, 32
 Ashurst Morris Crisp (solicitors), 448–449
 Aske, Robert, 52–53
 Asquith, H. H., 118
 Associated Chambers of Commerce, 384
 Associated Enterprises Ltd, 239–240

- Assurance Co Act 1909, 54
 Astbury J, 54
 Atkin, Lord, 32, 42, 43, 45, 47, 54, 56–57, 122, 215, 239, 268–269, 272, 289, 329
 Atlantic and Great Western Railway Co, 438
 Attenborough, L. G., 181
 Auctioneers Act 1845, 323
 Auctions
 caveat emptor and, 324–325
 contractual conditions, 323–324
 decline of, 320–321
 disputes, 323, 324
 freedom of contract in, 322–323
 highest bidders, 323–324
 implied terms, 324–325
 in London, 318–322
 manipulation of, 327
 mistake, effect of, 325–326
 overview, 317–318, 375
 ‘puffery’ and, 327–328
 rigged bidding, 329–330
 ‘ring’ agreements, 328–329
 rubber, 319–320
 tea, 319, 321–322
 wool, 318–319, 320, 321–322
 Auctions (Bidding Agreements) Act 1927, 329, 330
 Austen, Jane, 391
 Austin Motor Co, 28–29, 202, 274–275
 Australia
 accommodation bills in, 442
 auctions in, 320
 Australian Royal Commission (Wheat), 315
 stock and station agents in, 165
 Tasmanian Transport Commission, 235, 236, 237
 Australian Shippers’ Association, 359
 Autonomy of parties, 31

 Bacon, James, 255, 256, 429
 Bagehot, Walter, 444, 449
 Bailhache J, 268–269, 352
 Baldwin Locomotive Works, 229, 231
 Balfour, Guthrie & Co Ltd, 15
 Balfour Williamson & Co, 44–45
 Baltic Co Ltd, 66
 Baltic Committee, 402
 Baltic Exchange
 arbitration and, 365, 366
 bank finance and, 29, 379
 bought and sold notes and, 298
 brokers and, 77, 78–80, 168
 commodity markets and, 62, 64
 cornering markets and, 111
 emergence of, 6–7
 futures markets and, 82–83
 membership in, 66–68
 speculation in, 78–80, 108
 standard form contracts and, 302, 314
 Baltimore Chamber of Commerce, 339
 Bank bills, 386, 390
 Bank Charter Act 1833, 26
 Bank Charter Act 1844, 26, 27
 Bankers’ Clearing House
 Bank of England and, 30, 38, 453, 454, 457–458, 461–462
 circulars, 455
 clearing and settlement and, 89
 Committee of London Clearing Bankers, 456–458
 historical background, 453–454
 joint stock banks and, 26
 jurisprudence regarding, 454–455
 lack of judicial intervention in, 458–459
 operation of, 456–458
 overview, 9, 23, 38, 380–381, 443–444, 452–453, 461–462
 regulation, calls for, 456
 returns, 456
 rules of, 455–456
 Bankes LJ, 329
 Bank finance. *See also specific bank*
 accommodation bills (*See Accommodation bills*)
 advances (*See Advances*)
 Bankers’ Clearing House (*See Bankers’ Clearing House*)
 bill brokers, 380, 443, 444–445
 bills of exchange (*See Bills of exchange*)
 clearing and settlement (*See Clearing and settlement*)
 criticism of, 376–377
 custom and usage in, 50
 discount houses, 380, 443, 445
 dock warrants (*See Dock warrants*)
 emergence of, 4, 22–23
 finance houses (*See Finance houses*)
 historical background, 22–23, 377
 institutional underpinnings, 379
 joint stock banks (*See Joint stock banks*)
 legislative framework, 37
 letters of credit (*See Letters of credit*)

- Bank finance (cont.)
 loans (*See* Loans)
 merchant banks (*See* Merchant banks)
 money market, 23, 380, 443, 450–452
 Overdrafts (*See* Overdrafts)
 overview, 2, 23
 private law-making and, 38
 security for advances (*See* Security for advances)
- Bank of Bengal, 418
- Bank of England
 accommodation bills and, 441–442
 agency bills and, 386
 Bankers' Clearing House and, 30, 38, 453, 454, 457–458, 461–462
 bank finance and, 378
 bill brokers and, 443, 444–445
 Bill on London and, 381
 cornering markets and, 115–116
 discount houses and, 443, 445
 dock warrants and, 399, 402
 money market and, 450–452
 Overend Gurney crisis and, 446, 449
 overview, 29–30
 private law-making and, 37, 38, 59
- Bank of the United States of Pennsylvania, 110–111
- Barber & Co, 392–393
- Barclays (bank), 26, 411, 454
- Bargigli, Alexander, 454
- Baring, Alexander, 119
- Barings Brothers & Co, 22, 23, 24–25, 29, 90, 387
- Barnard's Act, 113
- Battye and Pilgrim, 150–151
- B. Davis Ltd, 281–282, 283–284, 285–286
- Beale, Phipson, 255
- Bearer shares as security, 429–430
- Becos Traders Ltd, 270
- Beetroot Sugar Association, 10, 93
- Bengal Nagpur Railway, 231
- Benjamin, Judah Philip, 33, 78, 79, 119, 210, 213, 345–346, 406
- Bennett, Arnold, 89, 244–245
- Benson J, 187
- Bensons (bank), 434
- Berlin Chamber of Commerce, 336
- Berlin Produce Exchange, 336
- Berry, Barclay & Co, 310
- Best CJ, 143, 209, 327–328, 403–404
- Beyer Peacock & Co, 229–230, 232–233
- Bhashyam Ayyangar J, 187
- Biddle, Nicholas, 110–111
- Bilateral settlement, 95–97
- Bill brokers, 380, 443, 444–445
- Bill on London, 24, 381, 386, 390, 443
- Bills of exchange
 acceptance business and, 386–388
 accommodation bills (*See* Accommodation bills)
 advantages of, 385–386
 agency bills, 386
 bank bills, 386, 390
 dissociation from underlying claims, 385–386
 historical background, 384
 law governing, 384–386
 merchant banks and, 24
 negotiability of, 385
 open account trading versus, 385
 overview, 378, 381, 383, 443, 459
 time for payment, 383
 trade bills, 386, 388–390
 transferability of, 385
- Bills of Exchange Act 1882,
 accommodation bills and, 440–441
 Bankers' Clearing House and, 458
 bank finance and, 459
 bills of exchange and, 384–385
 certainty in law and, 41
 codification of, 33, 35
 custom and usage and, 53
 overview, 203
- Bills of lading
 delivery orders and, 351–353
 dock warrants and, 400, 405–406
 international commodity sales and, 310–311
 letters of credit and, 395–396
 overview, 381–382, 459, 460
 trade bills and, 389–390
- Bills of Sale Act 1882, 255
- Bills of Sale Acts, 37, 254–256, 259
- Binny's (managing agents), 179
- Birkenhead, Lord (F. E. Smith), 42
- Birmingham Wagon Co, 28, 246, 247–249, 251
- Bishirgian, Garabed, 115–117
- Bishirgian & Co, 115
- Black, William, 73
- Blackburn, Colin (Lord), 56, 79, 86, 138, 147, 149, 154–155, 156, 157, 212, 216–217, 222, 289, 405–406, 421, 422
- Blacker Main Coal Co, 254–256

- Blackwall Railway, 411
 Blank transfers as security, 430–431
 Blixen, Karen, 294
 Block discounting, 262
 Blyth Greene Jourdain & Co Ltd, 169–170
 Blyth Shipbuilding and Dry Docks Co, 216
 Board of Trade, 40–41, 161, 273
 Boileau, Hugh, 261–262
 Bombay Burmah Trading Co Ltd, 182–183, 192–193, 195–196
 Bombay Chamber of Commerce, 195
 Booth, William, 263
 Borneo Co Ltd, 172–173, 179, 185–186
 Borsig (locomotive manufacturer), 229
 Bosanquet, J. B., 402, 404
 Bought and sold notes, 296–299
 Boulton, Matthew, 220–221, 242
 Bovill & Sons, 102
 Bovill CJ, 79
 Bowen LJ (Lord), 113, 136–137
 Bramwell, Lord, 121, 125, 156, 289
 Branson J, 54, 356, 357–358
 Braudel, Fernand, 61–62
 Bray J (Reginald), 32, 157, 160, 255
 Bremen Cotton Association (Verein der Bremer Baumwollhändler), 69
 Brett LJ. *See* Esher, Lord
 Brewster, Charles, 260
 Bridges, W. S., 176
 British Cycle and Motor Cycle Manufacturers and Traders Union Ltd, 269
 British Dyestuffs Corp, 220
 British Imex Industries Ltd, 395
 British India Steam Navigation Co Ltd (BIN), 184
 British Rail, 229
 British Wagon Co, 28, 247, 250–251
 Britains Ltd, 268
 Brokers
 agency law and, 76–78
 agents compared, 167–168
 ‘chameleon’ character, brokers and agents, 171–173
 commercial practice versus legal theory, 72–73
 contracts in own name, 74–75
 custom and usage and, 73
 customers, rights and liabilities regarding, 76–80
 emergence of, 71–72
 fiduciary duties of, 78–80
 mercantile characteristics of, 167–168
 other brokers, rights and liabilities regarding, 73
 overview, 63, 71
 rules regarding, 74, 76
 transaction costs and, 75
 Broomhall, George, 63–64
 Brown Brothers, 391–392
 Browne, J. Balfour, 48
 Brown Shipley & Co, 387, 388, 391–392, 432
 Bruce, Buxton & Co, 445
 Brunner, Roscoe, 241–242
 Brunner Mond and Co Ltd, 220, 237–242, 291.
 See also Imperial Chemical Industries (ICI)
 Bruseh Tin and Rubber Estates Ltd, 186
 BSA (motor vehicle manufacturer), 417
 Buckley J, 279
 Buenos Ayres and Campana Railway Co, 421
 Building and land societies, hire purchase and, 250
 Bullion, Thomas, 410
 Bunge (grain traders), 7
 Burney B, 328
 ‘Business against Chancery’, 43
 Business financing. *See* Advances
 Buying agents, 17
 Cahill, Gordon, Reindel & Ohl (solicitors), 288
 Cairns, Lord, 48–49, 356, 393
 Caledonian Railway Co, 221
 Callenders Cable & Construction Co Ltd, 270
 Cammell Laird and Co Ltd, 202, 223–224, 291
 Campbell, Lord, 54, 298, 373
 Canada
 Board of Grain Commissioners, 308
 Canada Grain Act 1912, 308
 Canadian Grain Commission, 308
 commodity markets in, 64
 grain quality, ensuring, 308
 Manitoba Grain Act 1900, 308
 Capital. *See* Advances
 Cardozo, Benjamin (US Supreme Court Justice), 267
 Carey & Browne, 89–90, 325
 Cargill (grain traders), 7
 Caveat emptor, 209, 210, 212, 324–325
 Central Electricity Board (CEB), 219, 226–228, 290

- Centro de Cereales, 359
- Certainty of law
 ‘Business against Chancery’, 43
 equitable principles and, 43–47
 merits versus, 41–43
 necessity of, 41
 overview, 31
 predictability, lack of, 32–34
 standard form contracts and, 335–336, 374
- Chalmers, Mackenzie D., 35, 41, 203–205, 208, 290, 328, 384–385, 440–441
- Chamberlain’s Wharf, 69
- Chamber of Shipping, 53, 336
- ‘Chameleon’ character, brokers and agents, 171–173
- Champdany Jute Co, 190–192
- Chartered Bank of India, 388
- Chelmsford, Lord (F. Thesiger), 79, 149
- Chicago Board of Trade, 64, 80, 81, 98–99, 101
- China
 compradors, 140, 141–142
 grain quality, ensuring, 308
 local agents in, 140, 141–142
- China Merchants Steam Navigation Co, 178
- Chorley, Lord, 51, 160, 257
- Churchill & Sim, 160
- Circle clauses, 343–344
- City Bank, 388
- Clavell, James, 153, 173
- Clearing and settlement
 Bankers’ Clearing House (*See* Bankers’ Clearing House)
 bilateral settlement, 95–97
 closing out rules, 102–103
 coffee, 96–97
 commodity clearing houses, 89–94
 compensation upon default, 104–105
 cotton, 91–92
 default, risk of, 102–103
 filières, 93–94
 grain, 92–93
 guarantees of contracts, 106
 insurance funds, 106–107
 in Liverpool, 91–92
 in London, 92–93
 margins, 95
 metals, 97–98
 novation, 95, 98–101
 overview, 63, 89
 prevention of settlement risk, 103–104
 registration, 94–95
 ring settlement, 97–98
 rules, 38
 settlement risk generally, 101
 strings, 94–95
 sugar, 93–94, 103
 tea, 93
 ‘walks clearing’, 458–459
 war, risk of, 103
- Cleasby B, 75
- Clifford Chance (solicitors), 89–90, 297, 384
- Closing out rules, 102–103
- Clydebank Shipbuilding and Engineering Co, 427
- Coal Drops, xv, xvi
- Cockburn CJ (Alexander), 50, 51, 144, 447–448
- Cocoa Trade Association, 304
- Coffee Trade Association of London, 8
- Cohen, Alroy, 284
- Collie, Alexander, 440
- Collins, Norman, 442–443
- Colonial Sugar Refinery Ltd (CSR), 168–171
- Commercial context of commercial law, 1–2, 3–5, 58–59. *See also specific topic*
- Commercial Court, 59–60
- Commercial Credit Conference, 398
- Commercial Sale Rooms, London (Mincing Lane), 7–8, 68, 325
- Commission agents, 128, 154–155
- Commissioner of Customs and Excise, 323
- Committee of London Clearing Bankers, 456–458
- Committee of the Linseed Association, 303
- Commodity arbitration. *See* Arbitration
- Commodity auctions. *See* Auctions
- Commodity markets. *See also specific market*
 auctions (*See* Auctions)
 brokers (*See* Brokers)
 coffee, 6, 7
 disciplinary action, 70
 emergence of, 4
 futures markets (*See* Futures markets)
 grain, 6–7, 62
 hedging and, 121
 historical background, 6–8, 61–62
 informal nature of, 64
 law, role of, 124–126
 market integrity (*See* Market integrity)
 membership in, 62–63
 non-interference by courts, 69–70
 organisation of, 62–63, 65–66
 other countries compared, 64

- overview, 2, 5–6
- prerequisites for, 123–124
- private law-making and, 38, 125–126
- rubber, 7
- spices, 7
- standard form contracts and, 126
- sugar, 7
- suspension or expulsion from, 66–68
- tea, 7, 8–9
- wagering and, 121–123
- wool, 8
- Common Law Procedure Act 1854, 370
- Companies
 - agents and, 129
 - managing agents and, 191
- Companies Act 1862, 89, 125–126, 445
- Companies Act 1867, 429
- Companies Act 1900, 431–432
- Companies Act 1907, 435
- Competition law, impact on distribution
 - agreements, 273–275
- Compradors, 140, 141–142
- Comptroller of Corn Returns, 109
- Confirming agents
 - as buyers of goods, 163–164
 - del credere agents distinguished, 158
 - evolution of, 162–163
 - independent contractual assumption of liability by, 164
 - legal force of undertakings, 163–164
 - letters of credit compared, 162, 163
 - overview, 128, 198
 - standard form contracts and, 163
- Consignment, trend away from, 14–15
- Constructive notice, 45–46
- Consumer Credit Act 1974, 264–265
- Continental (grain traders), 7
- Continental Guaranty Corp, 28–29
- Contra proferentem*, 217, 218
- Cooke & Sons, 75
- Cooperative Wholesale Society (CWS), 241–242
- Cornering markets
 - common law and, 113–114
 - cotton, 111–112
 - ‘great pepper corner’, 115–117, 125–126
 - law, role of, 125–126
 - overview, 110–111
 - reform proposals, 112–113
 - self-regulation, 113–114
- Corn Exchange (Mark Lane, London), 62, 365, 366
- Corn Laws, 6, 109
- Cornwall Minerals Railway Co, 253
- Corporate bonds, 24–25
- Corrie, MacColl & Co, 330–331
- Cory Brothers & Co, 411–412
- Cosulich Line, 216
- Cotton LJ, 113, 121, 131
- Cox & King (Agents) Ltd, 270
- Cozens-Hardy, H. H. (Lord), 457
- Craandyk, H., 313, 314, 344, 345
- Craig & Co Ltd, 308
- Cranworth, Lord, 132
- Crawford & Bayley, 195
- Criegie Lynch (solicitors), 192
- Cripps, Sir Stafford, 285–286
- Crossed Cheques Act 1876, 458
- Crowther Committee, 264
- Current accounts, 417–418
- Curzon, George Nathaniel, 110–111
- Custom and usage
 - agent’s liability based on, 153–154
 - annexing incidents to contract, 48–49
 - in bank finance, 50
 - brokers and, 73
 - contractual interpretation, 48–49
 - criticism of, 50–51
 - decline of, 51–52
 - dock warrants and, 403–404
 - in hire, 50
 - in hire purchase, 50
 - interpretation of standard form contracts and, 355–357
 - overview, 47, 48
 - ports, use of, 49–50
 - in sale of goods, 50
 - standard form contracts and, 50, 51, 355–357
- Czarnikow, Caesar, 124, 168, 169–170
- Czarnikow & Co, 103, 128, 167, 168–171
- Daimler, 417
- Dalgety & Co, 165
- Dallas J, 403–404, 405
- Dana, Richard Henry Jr., 139–140
- Darling, Lord, 329, 355
- David Sassoon & Co Ltd, 141–142, 308
- Davidson J, 285
- Davis, Herbert (Boydie), 281–284, 285–286
- Day J, 420

- Deacon & Hastings, 175
- Debentures and shares as security
 bearer shares, 429–430
 blank transfers, 430–431
 equitable mortgages created, 430
 evolution of, 428–433
 floating charges, 431–432, 434–436, 461
 overview, 423, 424, 425
 railway shares, 428–429
 securities, 432–433
- Declaration (court order), 308–309, 345–346
- Deferred hire. *See* Hire purchase
- Del credere agents
 commodities involved with, 159
 confirming agents distinguished, 158
 corn, 158–159
 decline of, 159–160
 defined, 157–158
 guarantees of contracts by, 157–158
 overview, 128, 198
 timber, 160–161
- Delivery orders, 351–353
- Deloitte, Plender, Griffiths and Co
 (accountants), 237
- Denning, Lord, 53–54, 55
- Description, compliance with, 207–209,
 289–290
- Devlin, Lord, 52
- Dick & Stevenson, 219, 221–222
- Dickens, Charles, 382–383
- Diplock J (Lord), 46
- Discount houses, 380, 443, 445
- Disraeli, Benjamin, 376
- Distillers Ltd, 281, 283
- Distribution of goods
 agency law and, 275–276
 by agents, 20
 ‘best endeavours’, 265, 281–286, 287–289
 competition law, impact of, 273–275
 contracts, 265, 270–271
 controlling distributors generally, 271
 distribution networks, 40–41
 docks and, 19
 electrical equipment, 265, 270–271
 exclusivity, 277–278
 forms of distributors, 266–268
 hire (*See* Hire)
 hire purchase (*See* Hire purchase)
 informality in agreements, 265, 268–269
 infrastructure, 18–19
 by manufacturers, 19–20
 merchant agent basis, 270
 motor vehicles, 265, 271–275, 287–289
 overview, 2, 18–19, 21, 202, 264–265,
 292–293
 petrol, 265, 277–281
 pricing, 270–271
 railways and, 19
 resale price maintenance and, 21, 265 (*See*
also Resale price maintenance)
 restraint of trade and, 279
 sale of goods (*See* Sale of goods)
 solus agreements, 277–281
 subsidiaries, by, 20
 termination of contracts, 265, 287–289
 tying, 278
 tyres, 265, 275–276
 warehouses and, 19
 whisky, 265, 281–286
- Docker, Dudley, 247
- Docks, 19
- Dock warrants
 advances on, 408
 bills of lading and, 400, 405–406
 custom and usage and, 403–404
 as documents of title, 401–403, 405–409
 Factors Acts and, 400, 405, 406
 fraud and, 405
 historical background, 400–403
 mercantile opinion regarding, 405–409
 overview, 378, 382, 399–400, 460
 pledged as security, 403–404
 transferability, 401
 trover, recovery in, 403
 weighing and, 404
- Dock Warrants Bill 1877 (proposed), 407–408
- Documentary letters of credit, 392–393. *See*
also Letters of credit
- Dodwells & Co, 138–139
- Dojima Rice Exchange, 80
- Donovan J (Lord), 395
- Dowdeswell, G. M., 252
- Drew & Napier, 173
- Duff, Lyman, 286
- Dun, John, 430, 433–434
- Dunlop Pneumatic Tyre Co, 275–276
- Dunlop Rubber Co, 202, 291, 411
- Dunstan & Co, 175–176
- East-Asiatic Co Ltd, 308
- Eastern Counties Railway, 411
- East India Co, 319, 323, 402, 411, 428

- East India Grain and Oilseeds Association, 359
 E. John & Co, 139
Ejusdem generis, 55–56
 Elder Smith & Co, 165
 Electricity (Supply) Act 1926, 226
 Ellenborough, Lord, 212, 454
 Ellis, C. E., 426–427
 Ellison, Thomas, 96, 362
 Engels, Frederick, 130
 Equitable assignment, 44–45
 Equitable principles, 43–47
 agency law, 47
 constructive notice, 45–46
 equitable assignment, 44–45
 Erlangers (bank), 441
 Erle CJ, 446
 Esher, Lord, 55, 114, 121, 138, 167–168, 259
 Esso Petroleum, 202, 277, 279, 280
 Estoppel, agents and, 145
 Euromarkets, 25, 420, 459
 European Economic Community, 399
 Eve J, 69
 Exchange business, 24
 Exclusion of implied terms of sale, 217–218
 Exporters Association of Shanghai, 335
 Exports Credits Guarantee Department, 161
 Express warranties, 205–206
- Factors Act 1823, 151
 Factors Act 1825, 151
 Factors Act 1842, 151–152, 172
 Factors Act 1877, 152
 Factors Act 1889, 152, 259, 260
 Factors Acts
 agents and, 36, 143, 150–153, 198
 constructive notice and, 46
 dock warrants and, 400, 405, 406
 Farwell LJ, 213
 Fergus Motors Inc., 287–289
 de Ferranti, Sebastian, 226
 de Ferranti, Vincent, 226, 227–228
 Ferranti International plc, 201–202, 219,
 226–228, 265, 270–271, 290, 411
 Fertilisers and Feeding Stuffs Act 1926, 347
 Fiduciary duties
 of agents, 132
 of brokers, 78–80
 Filières, 93–94
 Finance bills. *See* Accommodation bills
 Finance houses
 emergence of, 27–29
 overview, 23
 wagon companies, 27–28
 Finance leases, 244
 Financial advice, 25
 Financial Services Act 1986, 108, 118
 Finlay, Lord, 88, 136
 Finlay Clerk & Co, 190
 Finlay Muir & Co, 190
 Fitness for purpose, 209–211, 223–226,
 289–290
 Floating charges as security, 431–432,
 434–436, 461
 Food Council, 327
 Food Research Institute, 81
Force majeure clauses, 335–336
 Ford Motor Co, 272
 Foreign principal doctrine, 155–157
 Fowler & Co, 137–138
 Fox, Walker, & Co, 450–451
 Foy Morgan & Co, 161
 France, commodity clearing houses in, 90
 Francis Hollins & Co, 137–138
 Franklin, Miles, 318
 Fraud
 accommodation bills and, 437, 440
 agents, committed by, 137–139
 dock warrants and, 405
 heavy manufactured goods and, 220
 innocent misrepresentation, 206
 sale of goods and, 206–207, 237–242
 speculation contrasted, 109–110
 Frederic, Harold, 110
 Freedom of contract, 30–31, 34–35,
 322–323
 Freshfield, J. W., 297–298
 Fuhrmeister & Co, 308
 Futures markets
 arrivals contracts and, 83–86
 commodities, 81–83
 emergence of, 80–81
 grain, 81–83
 hedging and, 87
 law, role of, 87–89
 in Liverpool, 81–82
 in London, 82–83
 metals, 82
 overview, 62, 63
 speculation and, 78–80, 84–86, 87
 spot markets contrasted, 83
 standard form contracts and, 86–87,
 334–335

- Futures markets (cont.)
 wagering and, 118–121
 wheat, 81–83
- Galsworthy, John, 330
- Gaming. *See* Wagering
- Gaming Act 1845, 118, 119–121, 122, 124, 125
- de Ganahl, Charles, 225
- Gannow Engineering Co Ltd, 269
- Garnac (grain traders), 7
- Garraway's Coffee House, 7
- General Motors, 25
- General Petroleum Co Ltd, 135
- General Produce Brokers' Association,
 115–116, 330, 350, 351
- George Peabody & Co, 23–24
- Germany
 commodity clearing houses in, 90
 commodity markets in, 64
 novation in, 100–101
- Gibbs CJ, 87–88, 403
- Gilbart, James William, 400, 410, 413–414, 433,
 439, 440, 456, 458
- Gilletts (discount house), 411, 441, 442
- Gilmore, Grant, 460
- Gissing, George, 117–118
- Glamorgan Coal Co Ltd, 411–412
- Gloucester Wagon Co, 246–247, 248–249, 250,
 252, 253
- Glyn, Mills & Co, 25, 411, 435, 457
- Goldman Sachs, 393–394
- Goldsbrough Mort & Co, 165
- Gore-Brown, Francis, 70, 92
- Gorman, William, 227–228
- Gossages & Co, 239–240, 241–242
- Government bonds, 24–25
- Grain and Feed Trade Association (Gafta), 12,
 295, 317
- Grain Futures Association, 82
- Grant, James, 429, 452
- Gray Mackenzie & Co, 196
- Great Cobar Ltd, 166
- Great Indian Peninsula Railway Co, 246–247
- 'Great pepper corner', 115–117, 125–126
- Great Western Railway (GWR), 249, 252
- Greene, Graham, 127
- Greene, William, 285–286
- Greenhalgh and Sons, 390
- Grossmith, George, 256
- Grossmith, Weedon, 256
- Grove J, 357
- Guarantees of contracts
 in clearing and settlement, 106
 by del credere agents, 157–158
- Guthrie, Edwin, 113
- Guthries (agency house), 140–141, 179
- Gutteridge, Harold, 397
- Hague Rules, 311
- Haldane, Richard (Lord), 139, 193
- Halhed, William, 112
- Halliday Bulloch & Co, 154–155
- Halliday Fox & Co, 154–155
- Halsbury, Lord, 46, 55, 56
- Halse Rogers J, 284, 286
- Hambro's Bank Ltd, 90, 393, 395–396
- Hamilton, J. A. *See* Sumner, Lord
 (J. A. Hamilton)
- Hamzeh Malas & Sons, 395
- Hannay, Maxwell, 191
- Hanworth, Lord. *See* Pollock, Sir Ernest (Lord
 Hanworth)
- Hartley, L. P., 242
- Hatherley, Lord, 114, 382, 393
- Hawes, Benjamin, 401–402
- Hawes & Sons, 404
- Hawkins J, 118
- Hay, John, 179
- Heavy manufactured goods. *See also specific
 company*
 contract conditions, 235–236
 excavators, 221–222
 express contract terms, 219, 220–222
 fraud and, 220
 goods manufactured to specification,
 222–224
 inspections, 219, 231–232, 235–236
 locomotives, 228–237 (*See also*
 Locomotives)
 monitoring, 219, 232
 oil refineries, 224–226
 on-site assessment, 219, 232–233
 overview, 201–202, 290–291
 safeguarding clauses, 234
 shipbuilding, 223–224
 specifications, 231, 234–235
 transformers, 226–228
- Hedging
 commodity markets and, 121
 futures markets and, 87
- Helby, Charles, 259–260
- Helps & Sons (solicitors), 249

- Henry R. Merton & Co Ltd, 166
 Herschell, Farrer (Lord), 46, 196, 197, 204, 260, 416
 Hewart, Lord, 117
 Hibery J, 122
 Hire
 custom and usage in, 50
 historical background, 242–243
 overview, 2, 18, 21, 202
 railway wagons and, 248–249
 Hire purchase
 block discounting and, 262
 building and land societies and, 250
 criticism of, 263
 custom and usage in, 50
 furniture, 259
 historical background, 242, 243–244
 legal status of, 259–261
 motor vehicles, 291
 option to purchase, 250–251
 overview, 2, 18, 21, 202, 291–292
 pianos, 257–258, 259–260
 promissory notes and, 262
 railway wagons and, 247–251
 regulation of, 263–264
 rise of, 256–258
 sewing machines, 257
 standard form contracts and, 251
 techniques of, 261–262
 Hire Purchase Act 1938, 263–264, 292
 Hire Purchase Trade Association, 258
 Hire Traders' Protection Association, 258, 259–260, 263, 291
 H. K. Bayley & Co, 137–138
 H. Neumann (importer), 336
 Hodson, Lord, 280
 Hollams, John, 57–58, 60, 297–298, 323–324, 384
 Hollams, Son & Coward (solicitors), 89–90. *See also* Clifford Chance (solicitors)
 Holmes, Oliver Wendell (US Supreme Court Justice), 96
 Holmes, Valentine, 285–286
 Holmes Wilson & Co, 133
 Home commission agents, 17
 Hong Kong, managing agents in, 179, 180–181
 Hong Kong and Shanghai Bank (HSBC), 22–23, 115–116, 139, 141
 Hoo Mei Pin, 141–142
 Howard, John, 174
 Howeson, John, 115–117
 Hunter & Co, 388
 Ilustre, Vicente, 175
 Imperial Chemical Industries (ICI), 19, 202, 220, 377. *See also* Brunner Mond and Co Ltd
 Implied terms of sale
 compliance with description, 207–209, 289–290
 exclusion of, 217–218
 fitness for purpose, 209–211, 223–226, 289–290
 merchantability, 211–213, 289–290, 346–347
 overview, 207
 sale by sample, 213–215, 289–290
 Incorporated Oil Seed Association, 303, 313, 369
 India
 Companies Act 1956, 195, 196
 foreign principal doctrine in, 157
 Indian Companies Act 1882, 183
 Indian Companies Act 1913, 182
 Indian Companies Act VII 1913, 194
 Indian Companies Act XIX 1857, 183
 Indian Contract Act 1872, 157, 187
 local agents in, 140, 142
 managing agents in, 178, 179, 180–181, 193–196
 Indo-China Steam Navigation Co Ltd, 184–185
 Industrial Discount Co, 262
 Innocent misrepresentation, 206
 Instalment sales. *See* Hire purchase
 Institute of Bankers
 bank finance and, 414
 bills of exchange and, 384
 dock warrants and, 400
 overview, xvi
 security for advances and, 425, 426, 432, 434, 436
 Institute of Export, xvi, 162, 269
 Institute of London Underwriters, 334
 Institution of Electrical Engineers for the United Kingdom, 226–227
 Insurance funds, 106–107
 Interest on loans, 420–421
 International Chamber of Commerce (ICC), 398, 460
 International Commodities Clearing House, 89

- International commodity sales
 appropriation, 308–309, 345–346
 auctions (*See* Auctions)
 basic contract terms, 304–305
 bills of lading and, 310–311
 bought and sold notes, 296–299
 cocoa, 304
 corn, 301–302
 cotton, 300–301
 declaration, 308–309, 345–346
 early reluctance regarding contracts,
 296–299
 fair average quality (faq) samples, 306–307
 globalisation of standard form contracts,
 313–317
 grain, 315
 linseed, 6, 66, 68, 207, 298, 302, 302–303
 Liverpool trade associations and, 300–302
 London trade associations and, 302–304
 overview, 2, 294–295
 private law-making and, 295
pro rata clauses, 309–310
 quality of grain, ensuring, 306–308
 rubber, 315
 standard form contracts and, 295, 312–313
 standardisation of contract terms, 304–306
 tallow, 303–304
 trade associations and, 299
- International Convention for the Unification
 of Certain Rules of Law Relating to Bills of
 Lading (Hague Rules), 311
- International Cotton Association, 12, 295
- International Financial Society, 438
- International Law Association, 313, 367
- Interpretation of standard form contracts,
 353–358
 alteration of contracts, 357–358
 custom and usage and, 355–357
 plain meaning, 353–355
- Ipoh Tin Dredging Ltd, 181
- Isaac Pitman & Sons, xvi
- James and Shakespeare Ltd, 115–116
- James Finlay & Co, 179, 190–192
- J. & O. Ryder & Co, 147
- Japan Cereals Export Association, 332–333
- Jardine Matheson & Co, 128, 143–144, 165,
 173–178, 179, 184–185, 266
- Jardine Skinner & Co, 173–174, 179
- Jellicoe, Richard, 454
- Jenkins LJ, 395, 397–398
- Jessel, Sir George, 407, 430
- J. Henry Schröder & Co, 24, 89–90, 312, 387
- J. H. Friedland (importers), 336
- J. H. Rayner and Co Ltd, 395–396
- John Brown & Co Ltd, 411, 427
- Johnson Jeeks & Colclough (solicitors), 161
- John Watson & Co, 446
- Joint stock banks
 accommodation bills and, 439
 advances and, 27
 emergence of, 25–26
 overview, 23
- Joint Stock Companies Act 1856, 66, 185, 430
- Joseph Crosfield & Sons, 238–242
- Jowitt, William, 285–286
- J. P. Morgan & Co, 23–24
- J. R. Crompton and Brothers Ltd, 268–269
- Judicature Act 1873, 43, 384, 385
- Judicature Acts, 252
- Kahl, H., 367
- Kaltenbach and Fisher & Co, 171–172
- Karri and Jarrah Co Ltd, 160
- Kay J, 253
- Kern, William, 68
- Keynes, John Maynard, 63–64, 80, 81, 92, 121
- Kleinwort Sons & Co, 24, 90, 387, 393–394
- Kuwait, managing agents in, 196
- Kyslant, Lord, 116
- Lanchester Motor Co, 417
- Larceny Act 1861, 36, 116, 447
- Lavie, Germain, 132
- Lawrence, A. T., 326
- Law Revision Committee, 397
- LCH Group, 9
- Leeman's Act, 112, 113
- Legal context of commercial law
 accommodation of commercial practices
 (*See* Accommodation of commercial
 practices)
 certainty of law (*See* Certainty of law)
 custom and usage (*See* Custom and usage)
 overview, 2, 3, 30–34, 59–60
 private law-making (*See* Private
 law-making)
- Legislative framework, 35–37
- Leiter, Joseph, 110–111
- Letters of credit
 banks, role of, 393–394
 confirming agents compared, 162, 163

- dissociation from underlying contracts, 395
- documentary letters of credit, 392–393
- emergence of, 391
- evolution of law, 397–398
- open letters of credit, 391–392
- overview, 378, 381, 391, 459–460
- rejection of, 395–396
- strict compliance, 395–396
- Uniform Customs and Practices for Documentary Credits (UCP), 398–399
- Lever, William H. (Lord Leverhulme), 34, 238, 240, 241–242
- Lever Brothers Ltd, 220, 237–242, 291
- Lewis, Robert, 171
- Lewis & Peat, 128, 171–173
- Lewis Lazarus & Sons, 270
- Limited Liability Act 1855, 185, 246
- Lindley, Lord, 45–46, 120, 193
- Liverpool Corn Exchange, 10, 11
- Liverpool Corn Trade Association (LvCTA)
 - arbitration and, 362–363
 - clearing and settlement and, 91–92
 - commodity markets and, 65–66, 70
 - compensation upon default and, 105
 - emergence of, 11
 - futures markets and, 81
 - prevention of settlement risk and, 104
 - pro rata* clauses and, 309
 - standard form contracts and, 301–302
- Liverpool Cotton Association Ltd
 - bi-lateral settlement and, 96
 - Bylaws & Rules, 12
 - emergence of, 10
 - expulsion of members, 69
 - international commodity sales and, 295, 300–301
 - periodic settlement and, 103–104
 - standard form contracts and, 300–301
- Liverpool Cotton Brokers' Association
 - arbitration and, 362–363
 - arrival contracts and, 84, 86
 - clearing and settlement and, 105
 - emergence of, 10–11
 - expulsion of members, 67, 68
 - members, 71–72
 - standard form contracts and, 313, 345–346
- Liverpool Cotton Exchange
 - brokers and, 72
 - cornering markets and, 111
 - emergence of, 10
 - futures markets and, 80, 81–82
 - joint stock banks and, 27
 - speculation and, 122
 - undisclosed principal doctrine and, 146
- Liverpool Grain Contract Insurance Co Ltd, 106–107
- Liverpool Union Bank, 27
- Liverpool United General Produce Association, 355
- Liversay & Co, 75
- Llewellyn, Karl, 200, 201
- Lloyds Bank, 26, 419, 436
- Lloyd Scott & Co Ltd, 189
- Lloyd's of London, 29, 302, 334, 338–339, 342, 379
- Loans
 - acceleration clauses, 421–422
 - current accounts versus, 417–418
 - failure of banks to provide, 420
 - interest on, 420–421
 - loan accounts, 417–418
 - loan agreements, 418
 - overdrafts distinguished, 413–414, 417
 - overview, 378–379, 460–461
 - short-term lending, 418–419
 - standard form contracts, 420
 - statistics, 412
 - term loans, 419–420
- Local agents, 140–142
- Locomotive Manufacturers' Association (LMA), 229, 234
- Locomotives, 228–237
 - contract conditions, 235–236
 - engine manufacturers, 229–231
 - inspections, 231–232, 235–236
 - monitoring, 232
 - on-site visits, 232–233
 - overview, 228–229
 - safeguarding clauses, 234
 - specifications, 231, 234–235
 - Tasmanian tender, 233–237
- Lombard Bank, 28
- Lombard North Central, 28
- London & South Western Bank, 457
- London and St Katharine Docks Act 1864, 407
- London and Westminster Bank, 22, 29, 410, 411, 431, 433, 439, 451, 456, 457
- London Cattle Food Trade Association (LCFTA), 9–10, 347, 357–358
- London Chatham and Dover Railway, 438
- London City and Midland Bank, 22–23, 427
- London Clearing House, 89

- London Copra Association
 arbitration and, 330–331
 emergence of, 9–10
 interpretation of standard form contracts,
 356, 357
 standard form contracts and, 313, 316,
 343–344
- London Corn Trade Association (LCTA)
 American and Australian Grain Committee,
 306–307
 arbitration and, 365–369, 370–371 (*See also*
Arbitration)
 bills of lading and, 310–311
 Black Sea Grain Committee, 305–306
 China, grain from, 308
 China and Manchurian Feeding Stuffs
 Committee, 308
 clearing and settlement and, 91, 92–93, 125
 closing out rules and, 102
 Contracts Committee, 309, 317, 332, 333,
 334, 335, 343, 349, 359
 default and, 349–350
 Default Clause Sub-Committee, 350
 delivery orders and, 352–353
 emergence of, 9
 exclusion of merchantability, 346–347
 Executive Committee, 305
 fair average quality (faq) samples, 306–307
 foreign members of, 316–317
 futures markets and, 82–83
 international character of, 315–317
 international commodity sales and, 312–313
 interpretation of standard form contracts,
 353–355, 356–357, 358
 judicial decisions, amendment of standard
 form contracts in response to, 359–360
 lawyers, role of, 341–344
 legacy of, 12
 merchantability and, 213
 North American Contracts Committee, 309,
 311, 342–343
pro rata clauses and, 309
 rejection as remedy and, 348–349
 sale by sample and, 214–215
 Shipping Documents Delivery Orders Sub-
 Committee, 353
 solicitors, 371–373
 standard form contracts and (*See Standard*
form contracts)
 Sub Committee re Revision of
 Contracts, 343
 Sub Committee re Sampling Rules, 307
 United States, grain from, 307
- London Dock Co, 401–403, 404
- London Financial Association, 438
- London General Produce Brokers’
 Association, 8
- London Metal Exchange
 agents and, 166
 cornering markets and, 111, 114
 emergence of, 11
 futures markets and, 82
 ring settlement and, 97–98
 speculation and, 122
- London Oil and Tallow Trades Association,
 9–10, 299, 303–304, 312, 333, 338
- London Pepper Sales Control Committee, 116
- London Produce Broker’s Association, 313
- London Produce Clearing House (LPCH)
 auctions and, 320–321
 bilateral settlement and, 96–97
 brokers and, 74, 76
 clearing and settlement and, 38
 closing out rules and, 102–103
 commodities cleared, 90–91
 compensation upon default and, 104
 Continental influence on, 90
 cornering markets and, 113, 117
 emergence of, 9, 89–90
 futures markets and, 82
 guarantees of contracts and, 106
 novation and, 99–100, 101
 organisation of, 65
 rules of, 91
- London Rice Brokers’ Association, 303, 354,
 363–364
- London Rubber Trade Association, 9–10, 313,
 315, 320, 352, 355–356
- London School of Economics, 52
- London Stock Exchange, 29, 70, 103, 319–320,
 376, 432
- London Tin Corp, 115
- Loreburn, Lord, 56
- Loss, liability for, 32
- Louis Dreyfus & Co Ltd, 7, 310, 332, 336
- Low, Lord, 191, 192
- Lynch, C. B., 192
- Macaulay, R. H., 192–193
- MacEwen & Co, 185
- Mackinnon Frew & Co, 14
- Mackinnon LJ (Frank), 51, 385

- Mackinnon Mackenzie & Co, 14, 179, 184
 Macmillan Inquiry, 376–377
 Macnaghten, Edward (Lord), 145, 214, 255, 260
 Malaysia, managing agents in, 196
 Managing agents
 abuses by, 178, 193–196
 agency law and, 187
 as agents, 187–189
 commissions, 188, 189–190
 company law and, 191
 conflicts of interest, 188, 189–190
 constitutions, control under, 182–183
 contracts, control under, 183–186
 control of companies by, 181–186
 defined, 182
 fees, 188
 functions of, 179–181
 legal structure of, 181–186
 multiple companies, 181
 overview, 17–18, 128–129, 178–181, 198–199
 regulation of, 193–196
 shareholders versus, 189–193
 shipping services, 184–185
 single companies, 181
 termination of, 189
 Manganese Bronze, 223–224, 291
 Mansfield, Lord, 41–42, 54, 327–328, 391
 Margarine Unie, 220
 Marine Insurance Act 1906, 203
 Market control. *See* Distribution of goods
 Market integrity
 cornering markets (*See* Cornering markets)
 overview, 63
 speculation and, 107–108
 wagering (*See* Wagering)
 Marx, Karl, 444
 Matheson & Co, 173–174
 Maugham, W. Somerset, 165
 Maule B, 119
 Mavrogordato, E. A., 366
 Maximos, N. C., 75
 McCardie J, 54, 122, 348
 McNair J, 164
 Medway Oil and Storage Co, 224–226
 Mellish LJ, 157–158
 Mellor J, 212
 Mend, S. F., 367
 Mercantile Law Commission, 297
 Merchandise Marks Act 1862, 36, 292
 Merchandise Marks Act 1887, 36, 292
 Merchantability, 211–213, 289–290, 346–347
 Merchant banks
 acceptance business, 24
 bills of exchange and, 24
 corporate bonds and, 24–25
 emergence of, 23–24
 exchange business, 24
 financial advice and, 25
 government bonds and, 24–25
 overview, 23
 securities and, 24–25
 Merchant Shipping Act 1894, 408
 Mersey Steel and Iron Co, 206–207
 Metallgesellschaft AG, 166
 Metropolitan, Carriage, Wagon and Finance Co, 247
 Meyer, Charles, 171–172
 Michelin, 136
 Midland Bank, 22, 26, 115–116, 395, 419, 436
 Midland Railway Co, 249
 Mid-Wales Railway Co, 446
 Mill Owners' Association, 195
 Millwall Ironworks and Shipbuilding Co, 447
 Mincing Lane, 7–8. *See also specific establishment*
 Minneapolis Chamber of Commerce, 101
 Misrepresentation. *See* Fraud
 Misrepresentation Act 1967, 206
 Moberly & Bell, 404
 Mocatta J, 279
 Mollett & Co, 78–80
 Moneylenders Acts, 256–257
 Money market, 23, 380, 443, 450–452
 Monkswell, Lord, 141–142
 Monopolies and Restrictive Practices (Inquiry and Control) Act 1948, 273
 Monopolies and Restrictive Practices Commission, 327
 Monopolies Commission, 273, 276, 280–281, 293
 Morgan Crucible Co Ltd, 435
 Morgan Grenfell, 25
 Morris, John, 30, 32–33, 448–449
 Morris Motors, 28–29, 411
 Mortgages as security, 433–434
 Motor Agents Association, 279
 Motor Trade Association, 271–272, 276, 277, 292
 Moulton, Lord, 206
 Muir, John, 190–192

- Multifunctional agents, 165, 173–178
 Murphy, Thomas F. (US Judge), 288–289
 Murray, Lindley, 355
- National Association of British and Irish
 Millers, 336
 National Bank, 391
 National Provincial Bank, 22, 26, 411–412, 413,
 424–425, 428–429, 435–436
 National Westminster Bank, 26, 28, 411
 Negotiable instruments. *See* Bills of exchange
Nemo dat, 150
 Nettlefold & Chamberlain, 266
 Newton, Lucy, 22
 New York Cotton Exchange, 64, 101
 New York Produce Exchange, 117, 307, 340
 New Zealand, foreign principal doctrine
 in, 157
 Nicholls & Co, 187
 Nicolopulo & Co, 214
 Nigerian Railways, 233
 N. M. Rothschild & Sons, 22, 23, 24–25, 90, 387
 Nobel Explosives, 220
 Normative force of law. *See* Accommodation of
 commercial practices; Custom and usage
 North American Export Grain Association,
 311, 316, 333, 334, 340–341, 373
 North British Locomotive Co Ltd, 229, 233
 North Central Wagon and Finance Co Ltd, 28,
 247, 254–256
 Northcliffe, Lord, 238
 Novation, 95, 98–101
 Noyes Brothers, 270
- Ocean Spinning Co, 390
 Oliverson, Lavie and Peachey (solicitors), 132
 Open account trading, 385, 399
 Oriental Financial Corp, 438
 Orr Dignam & Co, 183–184
 Ostensible authority, 144–145, 197
- Overdrafts
 cancellation of, 416–417
 demand for immediate repayment, 417
 emergence of, 415
 loans distinguished, 413–414, 417
 overview, 378–379, 460–461
 repayable on demand, 415–416
 statistics, 412
- Overend Gurney & Co, 438, 439, 444,
 445–449
 Owen, F. A., 192
- Page J, 133
 Paget, John, 46
 Pahang Consolidated Co Ltd, 186
 Paley, William, 130
 Palmer & Co, 418
 Parke, Baron, 49, 119, 209, 329, 406
 Parker Rhodes & Co, 422, 426–427
 Park J, 403–404, 405
 Parr's Bank, 429, 458
 Parry & Co, 179
 Party substitution, novation by, 98–101
 Patterson, R., 409
 Payment clauses, 339–341, 342–343
 Payne & Routh, 336
 Peacock CJ, 142
 Pearce, Lord, 164, 280
 Peat, William, 171
 Peek, William, 449
 Penzance, Lord, 56
 Pepys, Samuel, 317
 Pereira J, 139
- Personal guarantees
 at common law, 426
 guarantors, drawbacks for, 426–427
 legal drawbacks of, 425–426
 limited liability, effect on, 427–428
 overview, 423, 424, 425
- Petrofina, 279, 280
 Phillimore, Lord, 134, 135, 276, 360–361
 Plantation House, 8
 Platt Bros & Co Ltd, 266
 Plymouth, Devonport and District Tramway
 Ltd, 449
 Plymouth Iron Co, 440
 Pollock, Sir Ernest (Lord Hanworth), 122,
 123, 262
 Pollock, Sir Frederick, 45, 98, 148, 197, 402, 404
 Pollock CB, 207, 217, 406, 415
 Port of London Authority, 407, 408
 Pothier, Robert Joseph, 204
 Powell Duffryn Steam Coal Co Ltd, 250, 411
 Praschauer & Co, 336
 Preece Cardew & Rider, 236–237
 Price fixing. *See* Resale price maintenance
 Price's Patent Candle Co Ltd, 239
 Priestley, J. B., 3–4
 Principals. *See* Agency law; Agents
 Private law-making
 bank finance and, 38
 characteristics of, 38–40
 commodity markets and, 38, 125–126

- delivery orders, 351–353
 dispute settlement generally, 361
 distribution networks, 40–41
 international commodity sales and, 295
 markets and institutions, 37–40
 overview, xvii–xviii
 standard form contracts (*See* Standard form contracts)
 Promissory notes, 262
 Property as security, 423, 424, 425, 433–434
Pro rata clauses, 309–310
 Public sales. *See* Auctions
 ‘Puffery’, 327–328
 Pulling, Alexander, 74–75
- Quiller-Couch, Thomas, 132–133
- Radcliffe Committee, 376–377, 410, 419
 Rae, George, 410, 422, 425, 428–429, 433
 Raikes & Co, 404
 Railway Clauses Consolidation Act 1845, 245
 Railway Clearing Act 1850, 456
 Railway Clearing House, 245, 380
 Railways
 accommodation bills and, 437–439
 distribution of goods and, 19
 railway shares as security, 428–429
 Railways Clauses Consolidation Act 1845, 255
 Railway wagons
 default and, 251–253
 hire and, 248–249
 hire purchase and, 247–251
 historical background, 245–246
 manufacturers, 246–247
 sale and leaseback and, 253–256
 sale of, 247
 wrongful disposal of, 253
 Ralli Brothers, 140, 170
 Ranger, Maurice, 111–112
 Rathbones (bank), 387
 Reasonable compliance with principal’s instructions, 128, 143, 148–150, 197–198
 Reece, W. H., 246
 Refined Sugar Association, 10, 371
 Regent (oil company), 277
 Regent’s Canal, 411
 Registrar of Restrictive Trading Agreements, 273–274, 275
 Reid, Lord, 280
 Resale price maintenance
 motor vehicles, 265, 271–275
 overview, 21, 265, 292
 petrol, 265, 277–281
 tyres, 265, 275–276
 Resale Prices Act 1964, 274
 Resch’s Ltd, 282
 Restrictive Practices Act 1956, 273–274, 275, 276
 Restrictive Practices Court, 273–274, 275
 Rew & Freeman, 137
 Rigby, John, 193, 255, 457
 ‘Ring’ agreements, 328–329
 Ring settlement, 97–98
 Robarts, Lubbock & Co, 408
 Robert Stephenson and Hawthorns Ltd, 202, 229, 230, 231–232, 233, 237
 Robson, Herbert, 348–349, 367
 Roche, Lord, 208, 223–224, 262, 284, 286, 349, 359
 Roffey, Walter, 366
 Rogers, Olding and Co, 454
 Romer, LJ, 53, 216, 217, 434
 Roosevelt, Theodore, 307
 Rose and Frank Co, 268–269
 Roskill, E. W. (Lord), 342
 Rothschild, Lord, 406
 Rowlatt J, 225, 239, 355
 Rowntree (confectionery), 441
 Royal Bank of Scotland, 411, 435
 Royal Commission on the Judicature, 363
 Royal Exchange, 6, 24, 118, 119
 Royal Mail Steam Packet Co, 116
 Rubber Exchange, 319–320
 Rucker & Bencraft, 89–90
 Russell, Lord, 279, 286
 Russia, noncompliance with arbitration awards, 369
 Russian Petroleum and Liquid Fuel Co Ltd, 432
- Safeguarding clauses, 234
 St Katharine Dock Co, 152, 400–401, 404, 408, 411
 Sala, George, 399
 Sale and leaseback, 244, 253–256, 291
 Sale by sample, 213–215
 Sale of Food (Weights and Measures) Act 1926, 36
 Sale of goods
 acceptance, 215
 by agents, 21
 alkali, 237–242

- Sale of goods (cont.)
- breach of quality standards, 215–216
 - caveat emptor* and, 209, 210, 212
 - commercial necessity and, 200–201
 - compliance with description, 207–209, 289–290
 - contra proferentem* and, 217, 218
 - custom and usage in, 50
 - exclusion of implied terms, 217–218
 - express warranties, 205–206
 - finance leases, 244
 - fitness for purpose, 209–211, 223–226, 289–290
 - fraud and, 206–207, 237–242
 - heavy manufactured goods (*See* Heavy manufactured goods)
 - hire (*See* Hire)
 - hire purchase (*See* Hire purchase)
 - historical background, 200–201, 203–205
 - implied terms generally, 207
 - Industrial Revolution and, 220–221
 - innocent misrepresentation and, 206
 - legislative framework, 36–37
 - merchantability, 211–213, 289–290, 346–347
 - overview, 2, 18, 289
 - rejection for breach of quality standards, 215–216
 - rescission, 206
 - sale and leaseback, 244, 253–256, 291
 - sale by sample, 213–215, 289–290
 - ‘work and materials’ distinguished, 216–217
- Sale of Goods Act 1893,
- agency law and, 134
 - auctions and, 324, 328
 - certainty of law and, 41
 - commercial necessity and, 201
 - compliance with description, 208
 - distribution of goods and, 264, 271
 - drafting of, 203–205
 - exclusion of implied terms, 217
 - exclusion of merchantability, 346–347
 - express contract terms and, 222
 - Factors Acts and, 152
 - fitness for purpose, 210–211, 225
 - freedom of contract and, 346
 - heavy manufactured goods, 219
 - hire purchase and, 263–264
 - implied terms, 207
 - merchantability, 211, 212
 - overview, 33, 35, 290
 - rejection for breach of quality standards, 215–216, 347–348, 374–375
 - sale by sample, 214–215
 - ‘work and materials’ distinguished, 216
- Salisbury, Lord, 175
- Salmon, Lord, 149
- Salmond J, 157
- Salomon, Aron, 423
- Sample, sale by, 213–215, 289–290
- Samuel Courtauld & Co, 20
- Samuel McGregor & Co Ltd, 308
- Samuel Montagu & Co, 24
- Sanderson & Co, 440, 445, 450–451
- San Francisco Produce Exchange, 307
- Sayers, Dorothy L., 127
- Scarlett, James. *See* Abinger, Lord
- Schwarz Gaumer & Co, 308
- Scott & Co, 214
- Scott LJ (Leslie), 283–284, 285–286, 342
- Scrutton LJ, 31, 32, 57, 123, 135, 151, 157, 225, 289, 329, 348, 351, 356, 360, 371, 396
- Secombe, Marshall and Campion, 451
- Second Bank of the United States, 23
- Secretain, Pierre, 111
- Securities
- merchant banks and, 24–25
 - as security, 432–433
- Security for advances
- debentures and shares as (*See* Debentures and shares as security)
 - dock warrants as, 408
 - floating charges as, 431–432, 434–436, 461
 - importance of, 422
 - mortgages as, 433–434
 - overview, 379, 461
 - personal guarantees (*See* Personal guarantees)
 - property as, 423, 424, 425, 433–434
 - standard form contracts and, 424
 - unsecured lending, 422–424
- Seddon, Thomas, 137
- Selborne, Lord, 98
- Selfridges (department store), 202, 275–276, 291
- Sellers J, 347
- Settlement. *See* Clearing and settlement
- Settlement Association, 103–104
- Seyd, Ernest, 455
- Shareholders, managing agents versus, 189–193

- Shares as security. *See* Debentures and shares
 as security
- Shaw J, 139
- Shaw Wallace & Co, 179
- Sheard Stubbs & Co, 100
- Shearman J, 329
- Shell Oil, 277, 281
- Shipton, Anderson & Co, 104, 107
- Shroff, Dorabji Cursetji, 192–193
- Silica Gel Corp, 224–226
- Simon, John (Lord Simon LC), 239, 240
- Simonds, Gavin (Lord Simonds LC), 256,
 285–286, 292
- Singapore
 agents in, 172–173
 local agents in, 140–141
 managing agents in, 179, 196
 rubber exports from, 320
- Singapore Chamber of Commerce Rubber
 Association, 173
- Singer Sewing Machine Co, 257, 267
- Skelton & Co, 227
- Skoda Works, 270–271
- Slater, Isaac, 248
- Smith, Adam, 107, 108
- Smith, Charles W., 76, 108
- Smith, J. G., 123–124
- Smith, Montague, 174
- Smith J, 420
- Snowden & Hopkins, 205
- Society of Motor Manufacturers and Traders,
 271–272
- Society of Sugar Refiners of London, 65
- Solvay & Cie, 238
- Somervell, LJ (Lord Somervell), 53
- Sonnett, John F., 288
- Sources for study, xvi–xvii, 3
- Specification, goods manufactured to, 222–224
- Speculation
 cotton, 84–86, 108
 fraud contrasted, 109–110
 futures markets and, 78–80, 84–86, 87
 market integrity and, 107–108
 tallow, 78–80, 84, 108, 119
- Speltz, Louis, 389–390
- Spillers Ltd, 100, 310, 336
- Spot markets, 83
- Sri Lanka, managing agents in, 196
- Standard form contracts
 accommodation of commercial practices,
 53, 56
- agents and, 143–144
 alteration of, 357–358
 arbitration and, 330–331 (*See also*
 Arbitration)
 balancing of interests, 336–337
 certainty of law and, 335–336, 374
 changed circumstances, impact of, 332–335
 circle clauses, 343–344
 commodity markets and, 126
 common law, modifying, 345–346, 374–375
 competing interests and, 331–332
 complexity in drafting, 331–332
 confirming agents and, 163
 conflicting interests, 337
 custom and usage and, 50, 51, 355–357
 default and, 349–350
 drafting of, 375
 emergence of, 302, 373–374
 empire, impact on globalisation of, 315
 English law governing, 344, 374
 exclusion of merchantability, 346–347
force majeure clauses, 335–336
 futures markets and, 86–87, 334–335
 globalisation of, 313–317
 hire purchase and, 251
 importers versus exporters, 337–338
 international commodity sales and, 295,
 312–313
 interpretation of, 353–358
 judicial decisions, amendment in response
 to, 358–361
 labour movement, impact of, 333
 lawyers, role of, 341–344
 Liverpool trade associations and, 300–302
 Lloyds conditions, 338–339
 loans, 420
 London trade associations and, 302–304
 merchantability and, 213
 payment clauses, 339–341, 342–343
 plain meaning of, 353–355
 rejection for breach of quality standards and,
 347–349, 374–375
 representing trade as whole, 336–337
 security for advances and, 424
 simplicity in drafting, 330–331
 statutes, incorporating, 346
 strike clauses, 341, 342
 technological innovation, impact of, 333
 trade associations and, 9–10, 11, 374
 underlying principles, 335–337
 uniformity in, 337

- Standard form contracts (cont.)
 variety in, 305–306
 war, impact of, 314–315, 334
 Standard Motor Co Ltd, 202, 287, 293
 Standard Oil Co, 277. *See also* Esso Petroleum
 Standard-Triumph International, 202,
 287–289
 Stanford University, 81
 Statute of Frauds 1677, 298, 323
 Steam engines, 220–221
 Steel Co of Australia, 233
 Stephen J, 285
 Stock and station agents, 165
 Stockton and Darlington Railway Co, 231–232
 Stokes & Co, 147
 Story, Joseph (US Supreme Court Justice), 72,
 79, 130–131, 149
 Strick Scott & Co Ltd, 189
 Strike clauses, 341, 342
 Sugar Association of London, 10, 93, 103
 Summary Procedure on Bills of Exchange Act
 1855, 384
 Sumner, Lord (J. A. Hamilton), 31, 45, 88–89,
 226, 289, 394, 395
 Surrey Commercial Docks, 145, 321
 Swedish Match Co, 186
 Swinfen Eady, J (Lord), 46
 S. Wolberg (exporter), 336
 Sylhet and Cachar Tea Co Ltd, 392–393
- Talbot J, 284
 Tasmanian Railways, 233
 Tea Brokers' Association of London, 8
 Tea Buying Brokers' Association, 8
 Tea Clearing House, 69, 93
 Tenterden, Lord. *See* Abbott CJ (Lord
 Tenterden)
 Term loans, 419–420
 Thom, Adam, 447
 Thomas Ashby & Co, 458
 Thomas Cooper & Co, 369
 Thomas Duff & Co, 179, 411
 Thomas Merry & Son, 406
 Thomson, Bonnar and Co, 132, 298
 Thorne, S. K., 366–367
 Thwaites Brothers Ltd, 427
 Tindal CJ, 209–210, 454
 Tomlinson, H., 381
 Tondeur & Co, 392–393
 Tooke, Thomas, 108, 402
 Tooth & Co Ltd, 282–286
- Tozer Kemsley & Milbourne, 270
 Trade associations. *See also specific association*
 arbitration and, 362–365 (*See also*
 Arbitration)
 corn, 9
 cotton, 10–11
 effect of, 11–12
 emergence of, 4
 grain, 9, 11
 historical background, 9–12
 international commodity sales and, 299
 legacy of, 12
 in Liverpool, 10–11
 in London, 9–10, 11
 metals, 11
 private law-making by (*See* Private law-
 making)
 rubber, 9–10
 standard form contracts and, 9–10, 11, 374
 (*See also* Standard form contracts)
 sugar, 10
 Trade bills, 386, 388–390
 Trade finance
 Bill on London, 24, 381, 386, 390, 443
 bills of exchange (*See* Bills of exchange)
 bills of lading and, 381–382, 389–390,
 395–396
 dock warrants (*See* Dock warrants)
 letters of credit (*See* Letters of credit)
 overview, 377–378, 381–382
 Trade usage. *See* Custom and usage
 Trading nation, Britain as, 4, 5
 Treasury Bills Act 1877, 450
 Trollope, Anthony, 107
 Tudor, H. E., 259
 Tulketh Mill, 390
 Turner LJ, 439
 Tyre Manufacturers' Conference, 276
- Undisclosed principal doctrine
 commercial convenience and, 146–147, 197
 criticism of, 148
 double payment, risk of, 147–148
 emergence of, 146
 overview, 128, 143
 Unfair Contract Terms Act 1977, 264–265
 Uniform Customs and Practices for
 Documentary Credits (UCP),
 398–399, 460
 Unilever, 19, 202, 220
 Union Bank of London, 434

- Union Insurance Co, 176
 United Alkali Co, 220
 United Dominions Trust (UDT), 28–29, 55, 244
 United Molasses Co Ltd, 223
 United States
 Bureau of Foreign & Domestic Commerce, 273
 Commodity Exchange Act of 1936, 64
 commodity markets in, 64, 70–71
 cornering markets in, 110–111, 117
 Department of Agriculture, 307
 Grain Futures Act of 1922, 64
 grain quality, ensuring, 307
 Grain Standards Act, 307
 Harter Act, 346
 letters of credit in, 398
 novation in, 98–99, 101
 speculation in, 121–122
 United States Steel Products Co, 133
 Unsecured lending, 422–424
 Upjohn J (Lord Upjohn), 275
 Usage. *See* Custom and usage
 Usual authority, 144–145

 Vauxhall Motors, 25
 Verne, Jules, 219, 246–247
 Victoria Docks, 49–50
 Virginia and Baltick, 6
 Virginia and Maryland, 6
 Volkart Brothers, 140
 Volkswagen, 272
 Vulcan Foundry Ltd, 230, 233, 234, 237

 Wagering
 commodity markets and, 121–123
 futures markets and, 118–121
 overview, 118
 Wagon Owners' Association, 246, 255
 'Walks clearing', 458–459
 Wallace, George, 182–183
 Wallace, Lewis, 182–183

 Wallace, William, 182–183
 Wallace & Co, 182–183, 192–193, 195–196. *See also* Wallace Brothers
 Wallace Brothers, 160–161. *See also* Wallace & Co
 Walton, Joseph, 429
 Wang Gan-Ying, 141–142
 Warehouses, 19
 Warner, Burnett and Dowling, 249
 Warrington LJ, 122
 Watson, Lord, 146, 260
 Watson, Thomas, 283–284, 285
 Watson's Wharf, 402, 404
 Watt, James, 220–221, 242
 Weber, Max, xvii
 Weguelin, T. M., 132, 298
 Westbury, Lord, 430
 Weyman, S., 413
 W. H. Pim, Junr & Co, 310
 Wilberforce, Lord, 123
 Wilde, Serjeant, 327–328
 Wilde Sapte (solicitors), 411–412
 Willes J, 49, 78, 138, 205, 417, 454
 William Brandt and Sons, 89–90
 William Henry & Co, 115, 116
 Williams, R. H., 138–139
 Winnipeg Grain and Produce Exchange, 64
 Winn LJ, 55
 Winson & Co, 390
 Wm Mackinnon & Co, 14
 Wong Yat Sun, 174–175
 Wood, William Page, 114
 Wool Exchange, 8, 319, 322
 'Work and materials', sale of goods distinguished, 216–217
 Working capital. *See* Advances
 Wormald, John, 18
 W. R. Arbuthnot & Co, 68
 Wright, Johnstone, 227–228
 Wright, Lord, 55, 213, 216, 289, 310, 347, 357, 359–360, 400
 W. R. Paterson & Co, 142