INDEX

abuse of rights, 3, 66, 90, 99
accounting of profits, 80, 185
admiralty, 44
appeals, 186
arbitration clauses, 95, 97
Bacon, Matthew, 24
Ballow, Henry, 23, 24, 129, 232
catching bargain, 28, 71
certainty, 13, 14, 53
certainty, 218
consideration, 46, 164
consumers, 227
contra proferentem, construction, 54
covenant against competition, 201
disclaimer clauses, 62
discretion, 5, 14, 33, 167, 182–200
disproportion, 17, 19
domestic contracts, 6, 214, 218
economic duress, 45
efficient breach, 49, 83, 85, 86
electronic documents, 98, 117
entire agreement clauses, 107
equitable fraud, 31, 162
equity, 8–43, 130, 158–172, 200, 212, 217, 221
fusion, 4
exception clauses, 62
exclusion clauses, 62
exemption clauses, 62
expectant heir, 28
exploitation, 126
failure of consideration, 139, 149
findings of fact, 192
forfeitures, 1, 9, 127, 150, 156, 158, 219
formalism, 99
fraud, 25
freedom of contract, 7
frustration, 1, 2, 4, 130, 136, 141, 170, 179, 210, 222
fundamental breach, 64, 178
gain-based awards, 76
gifts, 38, 157
good faith, 3, 90, 127
implied terms, 59, 139, 152
inequality, 30, 120
injunctions, 79, 85
intangible losses, 76
Jessel, Sir George, 28, 39, 40, 41, 163, 164, 204, 205
Judicature Acts, 9, 160
legislation, 5, 173–181, 203, 229
Lushington, Dr Stephen, 46, 48, 50, 189, 208–212, 221
Mansfield, Lord, 130, 132, 133, 149, 156
mental distress, 76
misrepresentation, 38
mistake, 1, 4, 32, 61, 127, 141, 166, 170, 179, 222
moneylending, 166, 206
Nottingham, Lord, 20, 23
opportunism, 126
INDEX

<table>
<thead>
<tr>
<th>Term</th>
<th>Page(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>parol evidence rule</td>
<td>60, 101</td>
</tr>
<tr>
<td>penalties</td>
<td>1, 3, 14, 16, 127, 150, 156, 158, 177, 204, 219</td>
</tr>
<tr>
<td>practicalities</td>
<td>6, 60, 100, 106, 109, 111, 139, 197, 198</td>
</tr>
<tr>
<td>proprietary remedies</td>
<td>195</td>
</tr>
<tr>
<td>public policy</td>
<td>6, 68, 99, 201–216</td>
</tr>
<tr>
<td>punitive damages</td>
<td>2, 79, 85, 87</td>
</tr>
<tr>
<td>realism</td>
<td>100, 111</td>
</tr>
<tr>
<td>rectification</td>
<td>111, 113, 116, 172</td>
</tr>
<tr>
<td>remoteness</td>
<td>72</td>
</tr>
<tr>
<td>renegotiations</td>
<td>48</td>
</tr>
<tr>
<td>rescission</td>
<td>37, 42, 153, 155</td>
</tr>
<tr>
<td>reversions, sales of</td>
<td>162</td>
</tr>
<tr>
<td>salvage</td>
<td>44, 188, 211</td>
</tr>
<tr>
<td>specific performance</td>
<td>79, 85, 88, 184</td>
</tr>
<tr>
<td>standard form documents</td>
<td>63, 92, 108, 194, 227</td>
</tr>
<tr>
<td>transparency</td>
<td>202, 216, 220, 225</td>
</tr>
<tr>
<td>unconscionability</td>
<td>3, 13, 17, 95, 118, 127, 162, 201</td>
</tr>
<tr>
<td>undue influence</td>
<td>29</td>
</tr>
<tr>
<td>unjust enrichment</td>
<td>15, 53, 129–157, 167, 223</td>
</tr>
<tr>
<td>waiver</td>
<td>67</td>
</tr>
<tr>
<td>Wright, Lord, of Durley</td>
<td>61, 133</td>
</tr>
<tr>
<td>wrongdoing</td>
<td>32</td>
</tr>
</tbody>
</table>