

Privy Council Appeal No. 59 of 1988

(1) Dorothea Hamilton Cunningham and
(2) Charles Bowman Cunningham *Appellants*

v.

(1) Montreal Trust (Bermuda) Limited and
(2) The Bank of Butterfield Executor and
Trustee Company Limited *Respondents*

FROM

THE COURT OF APPEAL FOR BERMUDA

ORAL JUDGMENT OF THE LORDS OF THE JUDICIAL
COMMITTEE OF THE PRIVY COUNCIL
DELIVERED THE 26TH MARCH 1990

Present at the hearing:-

LORD KEITH OF KINKEL
LORD BRANDON OF OAKBROOK
LORD TEMPLEMAN
LORD OLIVER OF AYLERTON
LORD JAUNCEY OF TULLICHETTLE

[Delivered by Lord Keith of Kinkel]

Their Lordships have decided that the appellants should not be entitled to raise the points abandoned by them before the Court of Appeal and will humbly advise Her Majesty that the appeal ought to be dismissed.

The first respondent is entitled to its costs before their Lordships' board against the appellants on the indemnity basis.