

Torts

Cases and Commentary

by

HAROLD LUNTZ

BA, LLB (WITWATERSRAND), BCL (OXON)
George Paton Professor of Law, University of Melbourne
Barrister and Solicitor of the Supreme Court of Victoria

DAVID HAMBLBY

LLB (MELB), LLM (HARVARD)
Professor of Law, Australian National University
Barrister and Solicitor of the Supreme Courts of Victoria and ACT

ROBERT HAYES

LLB (MELB), PhD (MONASH)
Associate Professor of Law, University of New South Wales
Barrister of the Supreme Court of New South Wales

BUTTERWORTHS

SYDNEY — MELBOURNE — BRISBANE — ADELAIDE — PERTH

AUSTRALIA

BUTTERWORTHS PTY LTD
586 Pacific Highway, Chatswood 2067
343 Little Collins Street, Melbourne 3000
Commonwealth Bank Building, King George Square, Brisbane 4000
84 Flinders Street, Adelaide 5000
45 St George's Terrace, Perth 6000

NEW ZEALAND

BUTTERWORTHS OF NEW ZEALAND LIMITED
T & W Young Building
77-85 Customhouse Quay, Wellington

ENGLAND

BUTTERWORTH & CO (PUBLISHERS) LIMITED
88 Kingsway, London WC2B 6AB

CANADA

BUTTERWORTH & CO (CANADA) LIMITED
2265 Midland Avenue, Scarborough, Ontario MIP-4S1

SOUTH AFRICA

BUTTERWORTH & CO (SA) (PTY) LIMITED
152-154 Gale Street, Durban

National Library of Australia
Cataloguing-in-Publication entry

Luntz, Harold.
Torts.

ISBN 0 409 44350 6
ISBN 0 409 44351 4 Paperback

I. Torts — Australia. I. Hambly, Arthur David,
joint author. II. Hayes, Robert A., joint author.
III. Title.

346.9403

© 1980 Butterworths Pty Limited

This book is copyright. Apart from any fair dealing for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced by any process without written permission.

Inquiries should be addressed to the publishers.

Printed in Australia by Hogbin Poole (Printers) Pty. Ltd.
for the publishers Butterworths Pty. Ltd.

TORTS
CASES AND COMMENTARY

Preface

The theme of this book should be apparent from its first sentence. First, it is essentially an Australian book. Although we deplore chauvinism and nationalism as much as anyone, we recognize the increasing tendency of the High Court of Australia to review afresh the common law as it has developed in this country. Since we have written the book primarily for use by Australian students, we have preferred, so far as possible, Australian authorities. Its distinctive Australian flavour may also make it of greater value to overseas readers, who are probably more interested in the different development of the common law in different jurisdictions than in further examples of a known pattern. Secondly, the book is contemporary. We are concerned with the law as it is in the last quarter of the twentieth century. Thus, on the whole, modern authorities have been chosen rather than ancient ones. Thirdly, the book attempts to see the law in its social setting. Our major interest is the actual operation of the law in the society in which we live. None of us is trained in the social sciences, but we have done what we can to introduce statistics and empirical data where known to us and apparently relevant.

In years of teaching the law of torts we have all found much cause for dissatisfaction. Severe criticism of the present state of the law is explicit or implicit throughout our commentary. Whether, in consequence, we have been unduly polemical is for others to judge. We should like our criticism to be thought of as constructive, even though it may also serve to destroy delusions as to the certainty and fairness of the law. We believe that the critical edge to our commentary will not hamper our readers in discerning the state of the law on any topic we have included. Frequent reference is made in our text and notes to the periodical literature in order to encourage further reading and a broadening of the perspective.

The inspiration for the book came from a paper, "The Teaching of Tort Law", presented by Professor Patrick Atiyah at the annual conference of the Australasian Universities Law Schools Association held in Adelaide in 1971. Although we have not, as there advocated, taken the bold step of banishing many of the traditional topics of the law of torts to other subjects, we have made the focus of the book the problems of accident compensation.

Professor Atiyah's own book, *Accidents, Compensation and the Law* (2nd ed, 1975), has provided us with a shining beacon towards which we should bend our steps, even if it is a goal that is unattainable in the context of a casebook. In so far as we have had a model on which to base our work it has been Bob Hepple's and Martin Matthews' *Tort: Cases and Materials* (1974). At the time of its publication, we were approached by Butterworths with a view to producing an Australian counterpart. It was the time of the National Inquiry into Compensation and Rehabilitation in Australia and, until the fate of the *Woodhouse Report* that emanated from that Inquiry was known, there was little point in writing a torts casebook that concentrated on accident compensation. When it became clear in 1976 that radical changes were not imminent, we agreed to collaborate on the present work. Other commitments prevented us from proceeding as quickly as we would have liked, but the publishers have done everything possible to bring out the book in time for use in the 1980 academic year.

Collectively we are indebted to too many of our colleagues for us to acknowledge their individual assistance. From one great writer on the Australian law of torts we have all learned: we gladly acknowledge our debt to Professor John Fleming. We have been

assisted by able secretarial staff, including Miss Len Warne, Mrs Sue Horsman, Mrs Carol Ryan and Mrs Marjorie Saul. We also thank our families for their patience and encouragement.

November 1979

HL
DH
RAH

Acknowledgements

For permission to reproduce extracts from copyright material, the authors thank:

The American Law Institute — *American Restatement of the Law of Torts* (second) (1965).

The Honourable K W Asprey — unreported judgment in *Tomko v The Trustees of the Sisters of St Joseph* (1963).

The Attorneys-General for the Commonwealth, New South Wales, Victoria, South Australia and Western Australia; the Premier of Queensland; and the Tasmanian Government Printer — sections from various statutes.

The Attorney-General for Western Australia — cases in Western Australian Reports.

Australian Council of Social Service — *National Compensation and Rehabilitation: ACOSS Evidence to the Inquiry into a National Scheme for Rehabilitation and Compensation* (1973).

Australian Government Publishing Service — *Report of the National Committee of Inquiry into Compensation and Rehabilitation in Australia* (1974).

Butterworth & Co (Publishers) Ltd — cases in the All England Law Reports and the Law Times Reports; P S Atiyah, *Vicarious Liability in the Law of Torts* (1967).

Butterworths Pty Ltd — cases in the Australian Law Reports and the Australian Capital Territory Reports.

Butterworths of New Zealand Ltd — cases in the New Zealand Law Reports.

Canada Law Book Ltd — cases in the Dominion Law Reports.

The Carswell Company Limited — case in the Western Weekly Reports.

The Council of Law Reporting for New South Wales — cases in State Reports (NSW) volumes 64-70; Weekly Notes (NSW) volumes 81-92; New South Wales Law Reports.

The Council of Law Reporting in Victoria — cases in the Victorian Law Reports and Victorian Reports.

Her Majesty's Stationery Office — *Interpretation of Statutes* (LC no 21, 1969); *Report on Liability for Damage or Injury to Trespassers and Related Questions of Occupiers' Liability* (L Com No 75, 1976); *Report of the Royal Commission on Civil Liability and Compensation for Personal Injury* (Cmnd 7054, 1978); Unfair Contract Terms Act 1977.

The Incorporated Council of Law Reporting for England and Wales — cases in the Law Reports and Weekly Law Reports.

The Incorporated Council of Law Reporting for the State of Queensland — cases in the Queensland Reports.

The Law Book Company Ltd — cases in the Commonwealth Law Reports, Federal Law Reports, Australian Law Journal Reports, State Reports (NSW), Weekly Notes (NSW), South Australian State Reports, Tasmanian State Reports.

Myres S McDougal — M S McDougal, 'The Influence of the Metropolis in Concepts, Rules and Institutions Relating to Property' (1955) 4 *Journal of Public Law* 93.

The Editor, *Medicine Science and the Law* — E C Wigglesworth, 'Legislation and Injury Control' (1978) 18 *Medicine, Science and the Law* 191.

The Honourable Mr Justice N M O'Bryan — unreported judgment in *Wainer v Rippon* (1979).

Oxford University Press — J G Fleming, *An Introduction to the Law of Torts* (1967).

Professor G Sawyer — *Guide to Australian Law for Journalists, Authors and Publishers* (2nd ed, 1968).

The Speaker of the Legislative Assembly, Victoria — *Report of the Board of Inquiry into Motor Vehicle Accident Compensation in Victoria* (PP No 24/1978).

Times Newspapers Ltd — case in the Times Law Reports.

Virginia Law Review Association — J G Fleming, "The Role of Negligence in Modern Tort Law" (1967) 53 *Virginia L Rev* 815.

Weidenfeld (Publishers) Ltd — P S Atiyah, *Accidents, Compensation and the Law* (2nd ed, 1975).

West Publishing Company — case in the New York Reports; W L Prosser, *Handbook of the Law of Torts* (4th ed, 1971).

The Yale Law Journal Company — W O Douglas, "Vicarious Liability and Administration of Risk" (1929) 38 *Yale L J* 584.

Table of Cases

Cases which are referred to in the text are cited by the chapter, section and paragraph in which each reference appears. Paragraphs in which a case is discussed are shown in *italics*. Principal cases are numbered in each section of a chapter, in a separate sequence from the paragraphs of the text, and bear the prefix "C". Principal cases are shown in **bold type**.

AMF International Ltd v Magnet Bowling Ltd

9.1.13, 9.2.07

AMP Society v Chaplin 23.2.06, 23.2.11

Aaron v Aaron 18.8.08

Abela v Giew 10.2.07

Abrath v North Eastern Railway Co C16.3.2

A'Court v Cross C6.1.1

Adam v Ward C15.8.1, C15.10.1, C15.10.2,
15.10.04, 15.10.05

Adams v Shire of Taringa 19.8.08

Adamson v Jarvis 24.1.04

Adamson v Motor Vehicles Insurance Trust

1.3.21, C3.2.2

Addie (Robert) & Sons (Collieries) Ltd v Dumbreck

C9.1.1, 9.4.01, C9.4.1, 9.4.02-03, 9.4.06-07,
9.4.11, 18.7.13

Addis v Gramophone Co Ltd C18.2.1

Adelaide Chemical & Fertiliser Co Ltd v Carlyle

C4.3.1, 8.3.11

Adelaide Stevedoring Co Ltd v Forst C4.1.1

Admiralty Comrs v SS Amerika C11.3.4, 13.2.01

Admiralty Comrs v SS Chekiang C6.3.2

Admiralty Comrs v SS Susquehanna C18.8.1

Admiralty Comrs v SS Volute C3.2.6

Aiken v Kingborough Corporation C9.3.7, 9.3.33

Albrighton v Royal Prince Alfred Hospital 23.2.08

Alchin v Comr for Railways 2.3.23

Alexander v Jenkins 15.2.05

Alexander v Mayor and Corp of Sydney 21.1.13

Alford v Magee 4.3.19, 7.1.02, 7.2.04, 7.2.07

Algerian Steamship Co Ltd v The Houlder Line Ltd
C14.3.1

Allbutt v General Council of Medical Education and
Registration C15.10.2, C15.8.1

Allen v Flood C19.7.1

Allen v Gulf Oil Refining Ltd 19.6.02-03, 19.6.08

Allsop v Allsop C8.2.1

Amstad v Brisbane City Council (No 1) 18.2.02,

C18.4.2, 18.5.13, 18.8.01

Anchor Products Ltd v Hedges 3.4.06

Anderson v Blazeley 7.2.34

Anderson v Mackellar County Council C10.2.5

Anderson (W B) & Sons Ltd v Rhodes (Liverpool)
Ltd C14.2.2, 14.2.13

Andreae v Selfridge & Co Ltd C19.1.2, 19.1.11

Andrews v Grand & Toy Alberta Ltd 6.4.07, 6.4.25

Andrews v Williams C8.8.1, 8.8.08

Andreyevich v Kosovich C15.8.1

Anns v Merton London Borough Council 2.3.13,

2.3.17, 3.1.25, 4.1.14, **C8.4.2**, 8.6.06,

8.6.22, 9.3.31-32, 14.3.04, 14.3.07, 18.6.03,

20.2.10

Anon (1704) 10.1.02

Anthoness v Bland Shire Council C6.3.1, 6.3.05

Anthony v Haney 18.5.10

Arenson v Arenson 2.3.19, 14.2.15

Argentino, The C5.1.2

Armory v Delamirie C22.4.3, 22.4.04-05

Armstrong v Sheppard & Short Ltd 18.1.06,

C18.4.1, 18.4.02

Armstrong v Strain 23.4.08

Arnold v The King-Emperor C15.8.1

Arnold v Teno 8.6.14

Ashby v Tolhurst 23.3.27

Ashby v White 14.2.02

Ashdown v Samuel Williams & Sons Ltd 7.3.03

Asher v Whitlock 18.8.06

Atkinson v Newcastle & Gateshead Waterworks Co
8.6.02

Atlas Tiles Ltd v Briers 6.4.16

A-G v Birkenhead Borough 10.2.10

A-G v Cory Bros & Co Ltd C20.3.2, 20.3.06,
20.3.08

A-G v Gas Light and Coke Co C19.6.1

A-G v PYA Quarries Ltd 20.1.2, 21.1.02

A-G v W H Smith & Sons C17.2.1

A-G v Tod-Heatley C19.1.4

A-G (NSW) v Perpetual Trustee Co Ltd 14.1.03,
C14.3.1, 14.3.03

Austin v Dowling C16.1.2, 16.2.20

Australian Aluminium Co Ltd v Goulding 4.1.10

Australian Consolidated Press Ltd v Uren 6.2.03

Australian Iron and Steel Ltd v Connell C4.1.1

Australian Iron and Steel Ltd v Krstevski 3.1.16,
3.1.17

Australian Iron and Steel Ltd v Ryan 10.2.24

Australian National Airways Ltd v Phillips C11.3.4

Australian Shipping Board v Walker 9.3.16, 9.3.24

Avis v Great Eastern Railway C3.3.2

Backhouse v Bonomi C6.1.1, C20.1.2

Baddeley v Earl Granville C7.3.2

Bagshaw v Taylor 2.3.16

Bailey v Truth and Sportsman Ltd 15.9.11

Bain v Frank G O'Brien Ltd 1.3.11

Baird v Williamson C20.1.1

Baker v Bolton 1.4.09, 13.2.01

Baker v T E Hopkins & Son Ltd 8.7.04

Baker v E Longhurst & Sons Ltd C3.3.1

Baker v Market Harborough Industrial Co-operative
Society Ltd C3.4.3, 3.4.14

Baker v Snell 12.3.17

Baker v Willoughby C4.2.2, 4.2.13, C24.2.1

Baldwin v Casella C12.3.3, C12.3.4

Baldwin's Ltd v Halifax Corp 20.3.08

References are to paragraphs

- Balfour v Barty-King 20.1.10
 Ball v Ray C19.4.3
Balmain New Ferry Co Ltd v Robertson C16.2.4, C16.2.5, C16.2.8, 16.2.13, 16.2.16
 Bamford v Turnley C19.1.5, 19.4.09, C19.6.1, 20.1.11
 Banister v Bigge C19.6.1
 Bank of Ireland v Trustees of Evans' Charities in Ireland C22.6.1
 Bank of New South Wales v Owston 23.3.07
 Barber v Penley C21.1.1
 Barclays Bank v Tom C24.2.2
Barisic v Devenport 7.2.22, C24.2.2
 Barker v Herbert C21.1.2
 Barkway v South Wales Transport Co Ltd C3.4.2
 Barnard v Evans 18.7.09
 Barnes v The Commonwealth 8.8.11
 Barnes v Hampshire CC 8.6.13
 Barnett v Cohen C13.2.2
 Barr v Manly Municipal Council C9.3.7, 9.3.33
 Bartlett v D H Small & Son Ltd C6.3.1
Barton v Armstrong C11.4.5, 19.7.03
 Bartonshill Coal Co v McGuire C23.4.1
 Barwick v English Joint Stock Bank C23.3.3
 Basely v Clarkson 17.1.35, 18.1.02, 18.1.03
 Batcheller v Tunbridge Wells Gas Co C20.1.2
 Bates v Batey & Co Ltd C2.3.1
 Bates v Parker 9.3.16
 Bates v Stone Parish Council C9.3.3
 Battista v Cooper 8.8.04
 Batty v Metropolitan Property Realisations Ltd 8.4.10
 Baxter v Taylor 18.2.14
 Baxter v Woolcombers Ltd 3.2.07
 Beals v Hayward C11.3.2, 11.3.04
 Beaman v ARTS Ltd 22.3.03
 Beard v London General Omnibus Co 23.3.15
Beauesert Shire Council v Smith C14.4.1, 17.1.13, 18.2.04, C19.1.3, 19.1.16-17, 19.8.03, C21.1.1, 21.2.01
 Beaulieu v Finglam C20.1.3
 Beaumont-Thomas v Blue Star Line Ltd C9.3.2
 Beavis v Apthorpe C5.2.1, C5.3.1
 Bebee v Sales C8.6.4
 Beck v Farrelly C6.4.3, 6.4.32
 Beck v Mercantile Mutual Insurance Co Ltd 1.3.16
 Beckwith v Shordike 17.1.35
 Bedder v DPP 3.2.03
 Behrendorff v Soblusky C23.2.4
Behrens v Bertram Mills Circus Ltd 12.2.03, 12.3.01, C12.3.1, 12.3.05, 12.3.17, 12.3.19
 Bell v Pitt C19.1.5
 Bell v Travco Hotels Ltd 9.3.07
 Belvoir Finance Co Ltd v Stapleton 22.3.02
 Beneke v Franklin 6.4.25
 Benham v Gambling C6.4.1, C6.4.2, 6.4.10
 Benjamin v Currie 7.2.36, 13.2.07
 Benmax v Austin Motor Co Ltd C3.3.1, 3.3.06
 Bennan v Parsonnet C11.6.3
 Bennett v Liddy 13.2.08
Bennett v Tugwell C7.3.1
Benning v Wong 2.3.12, 17.1.03, 17.1.36, 17.1.41, 17.2.03, 18.6.03, 19.6.02, 19.6.08-09, 19.6.11, 19.6.13-16, 20.1.01, C20.1.2, 20.1.03, 20.1.05-06, 20.1.14, 20.1.15, 20.1.18, C20.2.1, 20.2.03-05, 20.2.09, C20.3.2, 20.3.04, C20.4.1
 Benson v Lee 8.8.04
 Bernina, The 4.3.18, 7.2.33
Bernstein v Skyviews & General Ltd 1.4.04, 15.1.01, C18.3.1, 18.5.15
 Berry v British Transport Commission 16.3.04
 Besozzi v Harris C12.3.4
 Best v Samuel Fox & Co Ltd 1.4.17, C14.3.1
 Beste v Brand 6.4.17
 Beswicke v Alner 18.1.06
 Bethlehem Steel Corp v St Lawrence Seaway Authority 14.3.02
 Biggar v McLeod 2.3.21
 Bilambil-Terranora Pty Ltd v Tweed SC 18.8.07
 Billings v Reid C11.3.3
 Billings (A C) & Sons Ltd v Riden 8.4.04, C9.2.1
 Birch v Council of Central West Country District 8.6.02
 Birch v Thomas 7.3.02-03
Bird v Holbrook 2.3.15, C11.5.1, 18.7.12-13
Bird v Jones C16.2.2, C16.2.3, 16.2.04, C16.2.5, C16.2.8
 Bird v O'Neal 21.1.10
 Biscoe v Great Eastern Ry Co 19.6.15
 Bishopsgate Motor Finance Corp Ltd v Transport Brakes Ltd 22.2.06-07
 Bitumen and Oil Refineries (Aust) Ltd v Commissioner for Government Transport C24.2.1, 24.2.03
 Black v City of South Melbourne 9.3.16, 9.3.19
 Black Range Tin v Shoober 23.3.16
 Blacker v Lake & Elliott Ltd C2.3.1, C8.2.1
 Blacker v Waters C11.3.2
 Blackman v M & D J Bossie Pty Ltd 9.2.03
 Blackman v Simmons 18.7.13
 Blackman v The Commonwealth 8.2.03
 Blackstock v Foster 4.1.10
 Blake v Barnard C11.4.4
 Blake v Midland Ry Co C13.2.2
 Blake v Woolf C20.3.1, C23.5.1
 Blakeney v Pegus 8.8.11
 Blenkiron v Great Central Gas Consumers Co C3.1.7
 Bliss v Hall C19.5.1
 Bloomstein v Railway Executive C9.3.2
 Blundell v Musgrave C6.4.3
 Blyth v Birmingham Waterworks Co C5.1.1, 3.1.02, C3.2.1, C7.2.8, C20.2.1
 Board v Thomas Hedley & Co Ltd 8.2.02
 Boardman v Sanderson 8.8.04
 Boatwain v Crawford C8.6.2
 Bolam v Friern Hospital Management Committee C3.2.2, 3.2.15
Bolton v Stone C2.4.1, 2.4.05, C3.1.1, C5.1.2, 8.6.02, C8.6.5, 8.6.20, C19.5.1, C19.6.1, 21.1.09

References are to paragraphs

TABLE OF CASES

- Bondarenko v Sommers C8.9.1
 Bone v Seal 19.8.02
 Bonette v Woolworths Ltd 23.3.05
Bonnington Castings Ltd v Wardlaw C4.1.1, C6.1.1, C10.2.9
 Booth v Mister C23.2.4
 Borough of Bathurst v Macpherson C8.5.1
 Bosnyak v Wroblewski 13.2.15
 Bottomley v Bannister C8.4.2, 8.4.04
Bourhill v Young C2.4.3, C2.5.2, C3.2.6, C4.3.3, C5.1.1, 5.2.05, C5.3.1, C8.2.3, 8.2.04, C8.6.5, 8.7.02, C8.8.1, 8.8.05
 Bourke v Butterfield & Lewis Ltd 7.2.30
 Bouroncos v Nylex Corp Ltd 10.2.21
 Bowater v Rowley Regis Corp 7.3.07
 Bowen v Paramount Builders (Hamilton) Ltd 1.1.16, 2.5.06, C8.4.2, 8.4.06-07, 8.4.09-10
 Bower v Peate 19.1.22, C23.5.1, 23.5.05
 Bowmakers Ltd v Barnet Instruments Ltd 22.3.02
 Boyce v Paddington Borough Council C21.1.1
 Boyd v SGIO 5.2.07
 Boyle v Kodak Ltd 10.1.06, 10.2.24
 Bradburn v Great Western Ry Co C6.4.5
 Braddock v Bevins C15.8.1
 Bradford v Robinson Rentals Ltd C5.2.1, 5.3.07
 Bradford Corporation v Pickles 1.4.15, 18.6.01, 19.3.02, C19.7.1
 Bradshaw v McEwans Pty Ltd C3.4.1
 Braithwaite v South Durham Steel Co Ltd C9.4.2
 Brambles Construction Pty Ltd v Helmers 24.2.03
 Bramwell v Bramwell 18.8.05
 Bray v Palmer C3.4.3
 Bresatz v Przbilla C1.2.1, 6.4.18
 Bricklayers Ltd v Weng Lok Mining Co Ltd 19.8.06
 Bridge v The Grand Junction Railway Co C7.2.2
 Bridges v Australian Consolidated Press Ltd 15.10.10
 Bridlington Relay Ltd v Yorkshire Electricity Board 19.1.06, 19.3.02
 Brinsmead v Harrison 24.1.03, 24.2.01
 Brisbane v Cross 2.3.16
 Britain v Rossiter 16.2.15
 Britannic Merthyr Coal Co v David C10.2.2
 British Celanese Ltd v A H Hunt (Capacitors) Ltd C14.3.1, 19.1.19, 20.1.06, 20.1.18-19
 British Columbia Electric Railway v Loach 7.2.04
 British Columbia Electric Railway Co Ltd v Gentile 13.2.05
 British Fame (Owners) v Macgregor (Owners) C7.2.5
 British Transport Commission v Gourley C6.4.5, 6.4.16
 British Westinghouse Electric and Manufacturing Co Ltd v Underground Electric Railways Co of London Ltd C6.3.2
 Brittridge's case C15.7.2
Broadhurst v Millman 1.3.14, C3.3.2, 3.3.08, 7.2.21
 Broadway Approvals Ltd v Odhams Press Ltd 15.9.16
 Brock v Copeland 12.3.15
 Broder v Saillard C19.1.2, C19.1.4
 Bromage v Prosser C16.3.2
 Brooke v Bool 24.1.01
 Brooks v Muldoon C15.8.1
 Broom v Morgan C23.4.1, 23.4.03-04
 Broome v Cassell & Co Ltd 6.2.04, 15.7.05
 Brown v Kendall 1.1.18, 1.2.02
 Brown v Mt Barker Soldiers' Hospital 8.8.04
 Brown v Rolls Royce Ltd 3.1.30
 Brown (Thomas) & Sons Ltd v Fazal Deen 22.3.02
 Browne v Flower C19.5.1
 Browning v War Office C6.4.5
 Brunson v Humphrey 6.1.06
 Bryanston Finance Ltd v de Vries 15.6.06, 15.10.11, 24.1.03, 24.2.01
 Buckland v Guildford Gas Light and Coke Co 9.4.11
 Buckle v Bayswater Road Board 8.5.01, C8.5.1, 8.5.03
 Buckley and Toronto Transportation Com v Smith Transport Ltd C3.2.2
 Buckman (H C) and Son Pty Ltd v Flanagan 10.1.05, 10.2.24
 Buckpitt v Oates C7.3.1, 7.3.02
Bugge v Brown 20.1.11, C23.3.2, 23.3.10, 23.3.18-19
 Bulli Coal Mining Co v Osborne 18.3.07
 Bunyan v Jordan C8.2.1, C8.8.1, 8.8.10, 8.8.11
 Burchett v Commissioner for Railways 19.4.01, 20.1.16
 Burden v Watson C5.2.1
 Burley v Trewartha 13.2.14
 Burnett v British Waterways Board 7.3.04
 Burniston v Corp of Bangor C20.2.1
 Burns v Collins 15.2.04
 Burns v Edman 8.9.07
 Burns v Lipman 3.2.02
 Burrows v March Gas Co 4.3.18
 Burrum Corp v Richardson C9.3.7
 Burton v Board C15.9.1
Burton v Davies 11.1.05, C16.2.5
 Burton v Melbourne Harbour Trust 9.3.26
 Bushells Pty Ltd v Commonwealth 6.3.08
Butler v Egg & Egg Pulp Marketing Board C22.5.1
Butterfield v Forrester C7.2.1, C7.2.2, 7.2.04
 Buxton v Minister of Housing and Local Government C21.1.1
 Byrne v Boadle C3.4.2
 Byrne v Deane 15.4.01, 15.6.09
 Byrne v Kinematograph Renters Society 18.4.04
 Bywell Castle, The 7.2.24-25
 Cabassi v Vila C1.4.1, 2.3.20, 16.3.03
Caledonian Collieries Ltd v Speirs 2.3.23, 2.4.01, C3.1.3, 3.1.20, 8.6.02, C24.2.2
 Calgarth, The C9.4.2, C18.4.2
 Callow (F E) (Engineers) Ltd v Johnson 10.2.19
Caltex Oil (Australia) Pty Ltd v The Dredge "Willemstad" 1.1.15, 1.1.16, 1.4.02, 2.3.12, C6.4.3, 14.1.05, 14.2.16, C14.3.1

References are to paragraphs

- Calwell v Ipec Australia Ltd 15.10.05
 Cameron v Commissioner for Railways 8.6.14
 Campbell v Jewell 2.4.11
 Campbell v Spottiswoode 15.9.16
 Canadian Pacific Rly Co v Kelvin Shipping Co Ltd,
 The Metagama 8.7.02
 Canadian Pacific Rly Co v Lockhart 23.3.14
 Canadian Pacific Wine Co v Tuley 18.6.05
 Candler v Crane, Christmas & Co C14.2.1,
 14.2.02, C14.2.2, 14.2.06, 14.2.08,
 14.2.15-16
 Cann v Wilson C14.2.2
 Capital Motors v Beecham 14.2.14
 Car and General Insurance Co v Seymour and
 Maloney C3.2.5
 Car & Universal Finance Ltd v Caldwell 22.2.07
 Carlin v Helical Bar Ltd 8.8.05
 Carmarthenshire CC v Lewis 3.1.05, C5.1.3,
 C8.6.5, 20.1.06
 Carne v O'Leary 18.6.05
 Carpenter's Investment Trading Co Ltd v The
 Commonwealth 23.4.06
 Carrington v Roots C18.2.1
 Carrington v Taylor C14.4.1, 14.4.02
 Carroll v Andrew Barclay & Sons Ltd C10.2.8
 Carroll v Purcell 13.2.13, 13.2.14
 Carslogie, The C4.2.1, 4.2.07
 Carstairs v Taylor 3.1.20, C19.5.2, C20.1.2,
 20.3.06
 Cartledge v E Jopling & Sons Ltd C6.1.1, C8.4.2
 Cartwright v McLaine and Long Pty Ltd
 19.4.01, 19.4.03, 19.4.04, 19.4.07, C21.1.2
 Cassidy v Daily Mirror Newspapers Ltd C15.2.1,
 15.3.04
 Cassidy v Ministry of Health 12.1.08, C23.2.2,
 23.2.07, 23.2.10, 23.3.26, 23.4.04, 23.5.05-06
 Castle v St Augustine's Links Ltd 21.1.04, 21.1.09
 Castlereagh Motors Ltd v Davies-Roe 10.2.10
 Castrique v Behrens 16.3.05
 Caswell v Powell Duffryn Associated Collieries Ltd
 C7.2.8, 7.2.29-30, C10.2.10, C12.3.4
 Catterton v Commissioner for Railways (NSW)
 2.4.05, 4.3.10, C7.2.6, C9.4.2
 Cattle v Stockton Waterworks Co 14.1.03, C14.3.1
 Cavalier v Pope 2.3.02, C8.4.1, 8.4.02, 8.4.04,
 C9.2.1, C9.3.1
 Cavanagh v Ulster Weaving Co Ltd 3.1.30
 Cayzer, Irvine & Co v Carron Co 7.2.02
 Caxton Publishing Co Ltd v Sutherland Publishing
 Co C22.2.1
 CBC of Sydney Ltd v R H Brown & Co 14.2.01
 Central Newbury Car Auctions Ltd v Unity Finance
 Ltd C22.2.3
 Century Insurance Co Ltd v Northern Ireland Road
 Transport Board 23.3.03, 23.3.10
 Chadwick v Bridge 1.4.18
 Chadwick v British Transport Commission 8.7.07,
 C8.8.1, 8.8.05
 Chandler v Broughton C23.2.4
 Chandler v Thompson C19.3.1
 Chang v Chang 3.2.18, 3.2.23
 Chaplin v Dunstan Ltd 23.3.10
 Chapman v Hearse C2.4.1, 2.5.03, 4.1.01,
 4.3.08, 4.3.11, 4.3.19, 5.1.05, C5.3.1,
 7.2.07, C8.2.2, C8.2.3, 8.7.05, C8.8.1,
 C13.2.1, C14.3.1, 24.2.10, C24.2.1
 Chapman v Honig C1.4.2, 18.6.01-02
 Chapman v Lord Ellesmere C15.8.1, C15.10.2
 Chargeurs Réunis Compagnie Française de
 Navigation à Vapeur v English & American
 Shipping Co C14.3.1
 Charing Cross Electricity Supply Co v Hydraulic
 Power Co C17.2.1, 20.1.05, C20.1.5,
 20.1.14, C20.2.1
 Chasemore v Richards 1.4.15, 1.4.16, 19.3.02
 Cheshire v Bailey C23.3.4
 Chester v Waverley Corp 2.3.12, 2.4.10, 5.2.05,
 C8.2.1, 8.2.04, 8.7.05, 8.8.05
 Chic Fashions (West Wales) Ltd v Jones C18.6.2,
 18.6.05
 Chin Keow v Government of Malaysia C3.2.3
 Chinery v Viall C22.4.2, C22.5.1
 Christiansen v Gilday 8.9.01
 Christie v Davey 19.1.12, 19.7.01, C19.7.1
 Christie v Leachinsky C16.1.1, 16.1.03, 16.2.40
 Christmas v General Cleaning Contractors Ltd
 9.3.16
 Chrysler Australia Ltd v Skrypek 4.1.06
 Chulcough v Holley C6.4.1
 City Motors (1933) Pty Ltd v Southern Aerial
 Super Service Pty Ltd C22.4.2, 22.5.02,
 22.5.05
 Clarey v The Principal and Council of the
 Women's College 19.1.12, C19.4.3, 19.7.03
 Claridge v South Staffordshire Tramway Co
 C22.4.3
 Clark v Molyneux C15.10.1
 Clarke v Norton 15.9.05
 Clarke v Taylor C15.7.1
 Clarkson v Lawson C15.7.2
 Clay v A J Crump and Sons Ltd C2.5.2, 14.2.16
 Clearlite Holdings Ltd v Auckland City Corp
 19.1.17, 19.8.06, 20.4.02
 Clegg v Dearden 18.1.06
 Clifford v Charles H Challen & Son Ltd C3.3.1
 Clippens Oil Co Ltd v Edinburgh & District Water
 Trustees 5.2.06
 Close v Steel Co of Wales 10.2.19
 Clowes v Staffordshire Potteries Waterworks Co
 19.6.12
 Coccia v Australian Iron & Steel Pty Ltd C9.3.2
 Coggs v Bernard 2.2.01, C14.2.1, C22.4.3,
 C23.3.4
 Cohen v Roche C22.5.2
 Colchester Corp v Brooke 19.5.09
 Cole v Turner C11.3.3, C11.4.1
 Collett v Hutchins 8.6.14
 Collingwood v Home and Colonial Stores Ltd
 C20.1.2, 20.1.05, C20.1.5
 Collins v Hertfordshire CC C23.2.2, 23.2.10
 Collins v Renison 18.7.05
 Collins v The Commonwealth 20.1.11

References are to paragraphs

TABLE OF CASES

- Colls v Home & Colonial Stores Ltd C17.2.1
Colonial Mutual Life Assurance Society Ltd v
Macdonald 23.2.15
**Colonial Mutual Life Assurance Society Ltd v
Producers and Citizens Co-operative
Assurance Co of Australia Ltd C23.2.3,
23.3.14**
Comino v Lynch 23.2.18
Commissioner for Government Transport v
Adamcik 4.1.10
Commissioner for Railways v Anderson C9.3.3,
C9.3.4, 9.3.12, 9.3.16-17, 9.3.20, 9.3.22,
9.3.26
Commissioner for Railways v Brown C3.3.2
Commissioner for Railways v Cardy 9.3.28,
9.4.05-06, C9.4.1
Commissioner for Railways v Dowle 9.3.36
Commissioner for Railways v Halley 3.2.22, 7.2.08
Commissioner for Railways v McDermott C9.3.7,
9.3.15, C9.4.2, 9.4.12
Commissioner for Railways v Murphy 9.3.36
Commissioner for Railways v O'Brien C8.8.1
Commissioner for Railways v Quinlan C9.4.1,
C9.4.2, 9.4.06-8
Commissioner for Railways v Ruprecht 7.2.29-30
Commissioner for Railways v Scott C6.4.3, 14.3.03
Commissioner for Railways v Stewart 6.1.01,
20.3.07, 20.3.10
Commissioner for Railways v Thomas 9.3.36
Commissioner for Railways v Valuer-General
C18.3.1
Commonwealth v Turnbull 8.4.11
Connell v Commonwealth of Australia 2.3.14
Consolidated Trust Co Ltd v Browne 15.5.03,
15.6.04
Conway v George Wimpey & Co Ltd 9.2.08,
C23.4.1, C23.4.2, 23.4.07, 23.4.10-12
Cook v Lewis 4.1.15
Cook v Rodgers 22.2.07
Cooke v Forbes 19.1.11
Cooke v Hughes C15.7.2
Cooke v Midland Great Western Railway of Ireland
C4.3.2
Cookson v Knowles 6.4.25
Cooper v Crabtree 18.2.01
Cooper v Wandsworth Board of Works 18.6.02
Cope v Sharpe 18.1.04
Cornish v Stubbs C18.2.1
Corp of London v Appleyard 18.3.07
Cortis v Baker 7.2.25
Cotterill v Starkey C11.3.4
Cotton v Commissioner for Road Transport and
Tramways C3.2.1
Cotton v Wood C3.4.3
Couch v Steel C8.5.1
Coward v Baddeley 11.4.03
**Cowell v Rosehill Racecourse Co Ltd 1.4.18,
C18.2.1, 18.2.03, C18.6.2**
Cowley v Newmarket Local Board C8.5.1
Cox v Bath 18.5.10
Cox v Coulson 9.3.10
Cox v Feeney C15.8.1
Cox Bros (Aust) Ltd v Commissioner of
Waterworks C20.2.1, 20.2.05
Creswell v Sirl C18.7.2, 18.7.09
Crompton v Lea C19.1.5
Crook v Derbyshire Stone Ltd 23.3.10
Cross v Denley 15.6.04
Cruttendon v Brenock C12.3.3, 12.3.07
Cuckow v Polyester Reinforced Products Pty Ltd
4.1.01, 4.3.08, 4.3.19, 5.1.16, 8.3.12,
13.2.03
Cummings v Richard Thomas & Baldwins Ltd
C7.2.8
Cunard v Antifyre Ltd 9.1.04, C17.2.1, C19.2.1
Cunningham v Harrison C6.4.3
Cunningham-Howie v Dimbleby C15.9.1
Curator of Deceased Estates v Fernandez 13.2.08
Curran v Young 7.2.34
Curwen v James C4.2.2
Cusack v Heath 6.3.04
Cushing v Walker & Son C21.1.2
Cutler v McPhail 24.1.03
Cutler v United Dairies (London) Ltd 4.3.11
**Cutler v Wandsworth Stadium Ltd 10.1.07,
C10.2.3, 10.2.11**
Czarnikow (C) Ltd v Koufos (The Heron II) 1.4.18,
2.4.05, C3.1.6
Daborn v Bath Tramways Motor Co Ltd 1.5.01,
C3.1.4, 3.1.19
Da Costa v Australian Iron and Steel Pty Ltd 3.1.18
Da Costa v Cockburn Salvage and Trading Pty Ltd
3.2.02
Daily Telegraph Ltd v Stuart 19.1.10, 19.4.10
Daish v Wauton 6.4.06
Dakhyl v Labouchere 15.9.05
Daley v Gypsy Caravan Co Pty Ltd 2.5.05
Dalton v Angus C9.3.1, C19.1.3, C23.5.1
Dalziel (John C) (Airdrie) Ltd v Burgh of Airdrie
C14.3.1
D'Angola v Rio Pioneer Gravel Co Pty Ltd C24.2.2
Daniel v Metropolitan Railway Co C23.5.1
Dann v Hamilton C7.3.3, C7.3.4
Dansey v Richardson C23.4.1
Darbshire v Warran C6.3.1, C6.3.2
D'Arcy v Prison Comrs C2.3.2
Darley Main Colliery Co v Mitchell C6.1.1
**Darling Island Stevedoring & Lighterage Co Ltd
v Long 1.4.18, 10.1.12, C10.2.6, C23.4.1,
C23.5.1, 23.5.04**
Davey v Harrow Corp 19.4.06
Davie v New Merton Board Mills Ltd 1.1.15,
C2.5.2
Davies v Adelaide Chemical and Fertilizer Co Ltd
C10.2.10
Davies v Bennison 18.3.04
Davies v Borough of Tenby C6.4.3
Davies v Johnson 5.3.05
Davies v Mann 7.2.02, C7.2.2
Davies v Powell Duffryn Associated Collieries Ltd
13.2.08

References are to paragraphs

- Davies v Swan Motor Co (Swansea) Ltd C7.2.3,
C7.2.4, C24.2.2
- Davies v Taylor 6.4.22, 13.2.10
- Davis v Bunn 3.4.06, 3.4.07
- Davis v Foots 8.4.03
- Davis v Pearce Parking Station Pty Ltd 7.3.03
- Davis v St Mary's Demolition and Excavation Co
Ltd 9.4.11
- Davis v Shepstone C15.8.1
- Dawson & Co v Bingley Urban Council C10.2.2
- Day v Bank of New South Wales C22.6.1**
- Deane v Clayton 18.7.12, 18.7.13
- Deatons Pty Ltd v Flew 23.2.28, C23.3.1**
- De la Bere v Pearson Ltd C14.2.1
- Delacroix v Theuenot C15.6.1
- Delaney v T P Smith Ltd 18.2.11
- De Meza v Apple 9.3.11
- Denham v Mirror Newspapers Ltd 15.9.10
- Dennis v Brownlee 10.2.05, 10.2.06
- Derry v Peek 2.2.04, 2.3.12, 14.1.04, C14.2.1,
14.2.02, C14.2.2
- Deyong v Shenburn C8.6.1, C23.3.4
- Diamond v Minter 16.2.44
- Diamond Manufacturing Co v Hamilton C14.3.1
- Di Battista v Motton 13.2.10
- Dickenson v Waters C16.1.3**
- Dickenson v Watson C17.2.2
- Dillingham Constructions Pty Ltd v Steel Mains
Pty Ltd 4.2.13-14, C24.2.1**
- Dillon v Legg 8.8.05
- Dinan v Brereton 18.5.09
- Distillers Co Bio-chemicals (Aust) Pty Ltd v Ajax
Insurance Co Ltd 8.2.17
- Distillers Co (Biochemicals) Ltd v Thompson
8.2.17
- Dixon v Western Australia 8.6.07
- Dodd v McGlashan 7.3.11
- Doe v Bridges C10.2.2, C10.2.3
- Doe & Carter v Barnard 18.8.06
- Dolbel v Dolbel 9.2.08
- Dollman v Hillman C5.1.2
- Dominion Natural Gas Co Ltd v Collins and Perkins
C2.3.1, C4.3.2, C8.3.1, C20.3.2
- Donnelly v Jackman 11.6.20
- Donnelly v Joyce C6.4.3
- Donoghue v Stevenson 2.1.03, 2.3.01, C2.3.1,
C2.3.2, 2.3.03, 2.3.13, C2.4.3, 2.5.01,
C2.5.1, C2.5.2, 3.1.02, 3.1.23, C3.2.6,
C4.3.3, C5.1.1, 6.1.02, C8.2.1, C8.2.2,
C8.2.3, 8.2.07, 8.3.01, C8.3.1, 8.3.02,
8.3.11, 8.3.12, 8.4.02, C8.4.2, 8.4.04,
8.6.01, C8.6.1, 8.7.02, C8.9.1, 9.1.01,
9.3.03, 9.3.26, C9.4.1, C9.4.2, 9.4.04,
9.4.11, 14.1.05, C14.2.1, 14.2.02, 14.2.04,
14.2.08, 14.2.16, C14.3.1, C20.1.5**
- Donoghue v St Luke's Hospital Pty Ltd C9.3.2
- Donovan v Laing, Wharton & Down Construction
Syndicate Ltd C23.2.1
- Dooley v Cammell Laird and Co Ltd C8.8.1, 8.8.05
- Dorset Yacht Co Ltd v Home Office; *see* Home
Office v Dorset Yacht Co Ltd
- Dougherty v Chandler 15.10.02-03
- Doughty v Turner Manufacturing Co Ltd 5.1.14,
C5.3.1
- Douglas Valley Finance Co Ltd v S Hughes (Hirers)
Ltd 22.2.04
- Dowling v Higgins 18.5.06
- Downs v Williams 10.1.13, C10.1.1**
- Doyle v Olby (Ironmongers) Pty Ltd 5.1.02
- Drive-Yourself Lessey's Pty Ltd v Burnside 9.1.13
- Drobner v Peters C8.2.3
- Draper v Hodder 12.6.01
- Dublin, Wicklow, and Wexford Railway Co v
Slattery C9.4.2
- Dugan v Mirror Newspapers Ltd 2.3.12
- Dulhunty v J B Young Ltd 3.4.10, 9.3.16
- Dulieu v White & Sons 5.2.01, 8.8.04
- Dumont v Miller C18.1.1**
- Duncan v Bell 7.3.11
- Dunlop v Woollahra Municipal Council 14.2.08,
14.4.06
- Dunn v Birmingham Canal Co C20.2.1
- Dunn v Large 18.8.08
- Dunne v North Western Gas Board C20.1.2
- Dunster v Abbott 9.3.02, 9.4.12
- Dunster v Hollis 9.3.11
- Dupuis v New Regina Trading Co Ltd 8.7.05
- Dutton v Bognor Regis UDC 2.3.12, 8.4.08,
8.4.10, 8.4.11, C8.4.2
- Duyvelshaff v Cathcart & Ritchie Ltd 10.2.23
- Dwyer v Mansfield C21.1.1
- Dymond v Pearce 21.1.12
- Dynamco Ltd v Holland and Hannen and Cubitts
(Scotland) Ltd C14.3.1
- Eagles v Orth 7.2.12
- Earl v Lubbock C8.3.1
- Earl of Shrewsbury's case C14.4.1, 14.4.02
- Easson v London & North Eastern Ry Co C3.3.1
- Eastern Asia Navigation Co Ltd v Fremantle
Harbour Trust Comrs C8.6.2
- Eastern and SA Telegraph Co Ltd v Capetown
Tramways Companies Ltd 19.5.08, C20.3.1
- East Suffolk Rivers Catchment Board v Kent
4.1.14, C8.4.2, 8.6.06
- Eather v Jones 12.2.03, C12.3.3, 12.3.08-11,
12.3.19**
- Edelstein v John Fairfax & Sons Ltd C15.11.1**
- Edison, The; *see* Liesbosch, Dredger v SS Edison
(Owners)
- Edmonds v Commonwealth of Australia C9.3.2,
9.3.22
- Edwards v Blue Mountains CC 5.1.06, 19.6.13,
20.2.01, C20.2.2, 20.2.03, 20.2.09**
- Edwards v Noble 3.2.02
- Edwards v Porter 23.1.01
- Edwards v Sims 18.3.07
- Edwards v West Herts Group Hospital Management
Committee C23.3.4, 23.3.27
- Egg Marketing Board (NSW) v Cassar 18.5.14
- Egger v Viscount Chelmsford 15.10.02-03
- Electrochrome Ltd v Welsh Plastics Ltd C14.3.1

References are to paragraphs

TABLE OF CASES

- Elias v Pasmore 18.6.05
 Elliott v Barnes C11.3.4
 Elliott Steam Tug Co Ltd v The Shipping Controller C14.3.1
 Ellis v Fulham Borough Council C9.3.6
 Ellis v Home Office C2.3.2
 Ellis v Loftus Iron Co 17.1.32, C18.3.1
 Ellul v Oakes 14.2.13
 Elwes v Brigg Gas Co 18.3.07
 Emanuel (H & N) v Greater London Council 20.1.07
 Enever v R 23.2.13, 23.4.05-06
 Esso Petroleum Co Ltd v Mardon 14.2.12, 14.2.14
 Esso Petroleum Co Ltd v Southport Corp; *see* Southport Corp v Esso Petroleum Co Ltd
Evans v Balog 6.3.05, **C18.8.1**, 19.8.01
 Evans v Finn 18.3.06, C19.6.1
 Evans (Richard) & Co Ltd v Astley C3.4.1
 Evenden v Manning SC 4.3.11
 Everet v Williams 8.9.02
 Everett v Griffiths C14.2.1
 Everett v Ribbands 16.3.05
- Fabbri v Morris C21.1.1
 Fagan v Metropolitan Police Commissioner 11.4.04
 Fairman v Perpetual Investment Building Society C9.1.1, C9.2.1, C9.3.2
 Falcke v Herald & Weekly Times 15.10.03
 Fardon v Harcourt-Rivington C5.1.2, C8.2.1
 Farquharson Bros & Co v King & Co 22.6.01
 Farr v Butters Bros & Co 2.5.01, 2.5.05
 Faulkner & Keffalinos 4.2.13, 4.2.16
 Fay v Prentice 19.1.02
 Fazio v The Commonwealth 9.1.04
 F C of T v Barrett 23.2.06, 23.2.10
 Feldman v A Practitioner 2.3.21
 Fenn v Bittleston C22.2.1
Fenn v Paul C16.3.1, 16.3.07
Fennell v Robson Excavations Pty Ltd 17.2.04-05, 18.2.23, **C19.1.3**, 19.1.17, 19.8.06
 Ferroggiaro v Bowline 4.3.19
 Fifield Manor v Finston C14.3.1
 Filburn v People's Palace and Aquarium Co Ltd C12.3.4, C12.3.1
 Filliter v Phippard C20.1.3, C20.1.4
 Fire & All Risks Insurance Co Ltd v Powell 24.1.05
 Firth v Bowling Iron Co 20.1.06
 Fischer v Stuart 12.3.02
 Fish v Kelly C14.2.1, C14.2.2
 Fisher v Harrods Ltd 8.3.12
 Fisher v Smithson 13.2.09
 Fitter v Veal C6.1.1
Fitzgerald v Cooke (ED and AD) Bourne (Farms) Ltd C12.3.2
 Fitzgerald v Firbank 18.2.04
 Fitzgerald v Penn 4.1.13, 4.3.01
 Fitzpatrick v Walter E Cooper Pty Ltd 3.4.06-07
 Fleming v British American Oil Co 9.3.15
 Fletcher v Autocar & Transporters Ltd C6.4.1, 6.4.06
 Fletcher v Rylands (Ex Ch) 11.3.03, C11.3.4, 14.1.03, 20.1.01, C20.1.2, C20.2.1, C20.3.1; *see also* Rylands v Fletcher
Flewster v Role 11.2.01, 16.2.19, **C16.2.7**
 Flint v Lovell C6.4.2
 Florida Hotels Pty Ltd v Mayo 8.4.12, 24.1.05
 Foley v Pittsburgh-Des Moines Co C2.5.1
Fontin v Katapodis 6.2.07, **C11.6.4**, C11.6.5, 11.6.19-21
 Ford v London and South Western Railway Co C3.1.8
 Forrester v Tyrell 15.2.04
 Forsberg v Maslin 6.4.14
 Foufoulas v F G Strang Pty Ltd 3.1.30
 Fouldes v Willoughby 22.2.03
 Fowler v Hollins C22.2.1, C22.2.2
 Fowler v Lanning C3.2.1, 11.1.09, 11.3.02, C11.3.2, 11.3.03, C11.3.3, 11.3.04, C11.3.4, 11.3.07, 11.3.09
 Fox v Buffalo Park C9.3.1
 Francis v Cockrell C2.3.1, C9.3.1, 9.3.06-07, 9.3.09, 9.3.11
 Franklin v Victorian Railways Comrs 3.4.06
 Frankston & Hastings Corp v Cohen 2.3.19
 Fraser v Booth 19.1.12, 19.7.03
 Freeborn v Thomas C7.2.3
 Freese v Collins 6.3.05-06
 French Knit Sales Pty Ltd v N Gold & Sons Pty Ltd C14.3.1
Froom v Butcher 1.2.04, **C7.2.3**, 7.2.18
 Fullarton v North Melbourne Electric Tramway & Lighting Co Ltd C19.6.1, 20.1.05, 20.1.14, 20.1.18, C20.2.1
 Fuller v Illinois Central R Co 7.2.04
 Furniss v Fitchett 8.8.09
- Galashiels Gas Co Ltd v O'Donnell** C10.2.8
 Gallagher v N McDowell Ltd C8.4.2
 Gamser v Nominal Defendant 6.4.05
 Gannon v White C15.8.1
 Gapes v Fish C18.2.1
 Gardiner v John Fairfax & Sons Pty Ltd C15.9.2
 Gardiner v Moore 24.1.03
 Garrett v Taylor C14.4.1, 14.4.02
 Gartner v Kidman C19.1.5, 19.1.13, 19.7.04
 Gaunt v Fynney C17.2.1, C19.7.1
 Gautret v Egerton C9.4.1
 Gayler & Pope Ltd v B Davies & Sons Ltd C11.3.4
 Geddis v Proprietors of Bann Reservoir C2.3.2, 18.6.03, 20.2.01, C20.2.1
 Geelong Harbor Trust Commissioners v Gibbs, Bright & Co 1.1.13
 Genders v GIO of NSW 13.1.04
General & Finance Facilities Ltd v Cooks Cars (Romford) Ltd C22.5.2
 General Cleaning Contractors Ltd v Christmas 3.1.15
 General Motors-Holden's Pty Ltd v Moularas C1.2.1, 1.2.07, 4.2.13, 6.4.18
 Gent-Diver v Neville 7.3.15
 George & Richard, The C8.2.3
 George v Pinnock C6.4.1

References are to paragraphs

- George v Skivington C2.3.1
Geyer v Downs C8.6.3, 14.3.04
 Gibbons v Pepper C11.3.4, 11.3.09
 Gibson v Mayor of Preston C8.5.1
 Gifford v Dent C18.3.1
 Gilchrist Watt & Cunningham v Logan 18.7.11
 Giles v Walker C8.6.2, 20.1.17
 Gillmore v London CC 9.3.07
 Glanville v Sutton & Co Ltd 12.3.06
 Glanzer v Shepard C14.2.1, 14.2.15, C14.3.1, 14.3.04
 Glasgow Corp v Muir C3.1.1, C3.2.1, 3.2.02, C3.2.5, C7.2.3
 Glasgow Corp v Taylor C8.2.2
 Glavonjic v Foster 5.2.07
 Godbolt v Fittock C8.9.1
 Goddard v Smith 16.3.05
 Gold v Essex County Council C23.2.2, 23.2.08
Goldman v Hargrave (PC) 3.2.04, C8.6.2, 9.3.32, 19.4.05-6, C19.5.1, C20.1.3; *see also* Hargrave v Goldman
 Goldsborough v John Fairfax & Sons Ltd 15.7.03
 Goldsmith v Sperrings Ltd 15.6.08
 Gooch v NZ Financial Times (No 2) 15.9.12
 Goodman v Boycott C22.3.1
 Gordon v Harper C22.2.1, C22.4.1
 Gorman v Wills 9.2.06
Gorringe v Transport Commission (Tas) C8.5.1
 Gorris v Scott 10.2.20
 Gorton v Australian Broadcasting Commission 15.6.12
 Goss v Nicholas 11.6.16
Goulding (John F) Pty Ltd v Victorian Railways Comrs C22.3.11
 Government Insurance Office (NSW) v Friedrichberg 3.4.08
 Government of Papua New Guinea v Moini 4.3.10
 Govett v Radnidge 2.2.01
 Graham v Baker C6.4.1, C6.4.5, 6.4.14, 6.4.31
 Graham v C E Heinke & Co Ltd C10.1.1
 Graham v K D Morris & Sons Pty Ltd 18.3.03, 18.5.15
 Graham v Peat 18.2.10
 Grainger v Hill C16.2.3
Grand Central Car Park Pty Ltd v Tivoli Freeholders 10.2.10, 14.4.06, **C21.1.1**, 21.1.10
Grant v Australian Knitting Mills Ltd 2.3.04, 2.5.07, C8.2.3, **C8.3.1**, C14.2.1
 Grant v National Coal Board C10.2.10
 Grant v Sun Shipping Co Ltd C2.5.1, 4.3.01, 4.3.18, 7.2.28
 Grantham v South Australia 7.2.12
 Gray v Barr C11.6.5, 24.1.05
 Great Central Railway Co v Bates 9.3.34
 Great Western Consolidated Mines N L v Downey C24.2.2
 Grech v Oldhams Press Ltd 15.9.11
 Green v Chelsea Borough Council 8.4.02, C9.2.1
 Green v Chelsea Waterworks Co C20.1.2, C20.1.5, C20.2.1
 Green v Fibreglass Ltd C9.3.2
 Green v Perry 3.1.09
 Greenhalgh v British Railways Board 9.3.35
 Greenwell v Prison Commissioners C2.3.2
 Greenwood v Commonwealth of Australia 23.2.18
 Gregory v Duke of Brunswick 15.6.03
 Greig v Greig 1.4.04, 18.2.24
 Gribben v Moree Caravan Park 9.3.07
Griffiths v Kerkemeyer 1.1.16, 6.4.03, C6.4.3, 6.4.25, 6.4.27
 Griffiths v Peter Conway Ltd C8.2.1
 Griffiths v St Clement's School 9.3.15
 Grinham v Willey C16.1.2, 16.2.20
 Groom v Crocker 1.1.13, 3.1.02
 Grote v Chester & Holyhead Railway C9.3.1
 Grove v Eastern Gas Board 18.5.14
 Groves v Lord Wimborne C10.2.2, C10.2.3, 10.2.11, 23.5.05
 Grubb v Bristol United Press Ltd C15.3.2
 Guise v Kouvelis 15.10.09
 Gypsum Carrier Inc v R 14.3.02
Haber v Walker 4.1.07, 4.3.10, 4.3.12, 4.3.14, C13.2.1
 Haddon v Lynch 19.1.12
 Hadley v Baxendale C5.1.2, C8.7.1
 Haig v Bamford 14.2.15
 Haigh v Charles Ireland Ltd 10.2.03
 Hahn v Conley 8.6.14
 Hale v Jennings Bros 20.1.18, C20.2.1, C20.4.1
Haley v London Electricity Board 3.2.13, 8.2.01, C8.2.2
 Hall v Beckenham Corp 19.1.17
 Hall v Brooklands Auto-Racing Club C3.2.6
 Hall-Gibbs Mercantile Agency Ltd v Dun C15.4.1, C15.4.2
Halsey v Esso Petroleum Co Ltd C17.2.1, 19.1.03, 19.1.07, 19.1.09, 19.1.17, 20.1.18-19, 21.1.04, 21.1.10
 Halushka v University of Saskatchewan C11.6.2
 Hambrook v Stokes Bros 2.4.10, 8.8.04
 Hamilton v Nuroof (WA) Pty Ltd 3.1.30
 Hamps v Darby 18.7.09
 Hancock v Commercial Union Assurance Co of Australia Ltd 7.2.12
 Hanly v Berlin 7.2.13
 Harbutt's "Plasticine" Ltd v Wayne Tank and Pump Co Ltd C6.3.2, 6.3.09
 Harding v Lithgow Corp 13.2.05
 Hardman v North Eastern Railway Co C19.1.5
Hargrave v Goldman (HC) 2.1.02, 2.3.05, 2.3.13, **C8.6.1**, C19.1.5, 19.1.17, 19.1.19, **C19.4.1**, **C20.1.3**, 21.1.09, 21.2.01; *see also* Goldman v Hargrave
 Hargreaves v Bretherton 1.4.12
Harnett v Bond C16.2.6, 16.2.19
 Harper v Ashtons Circus Pty Ltd 9.3.11
 Harper v Charlesworth 18.2.10
 Harper v G N Haden & Sons Ltd C21.1.1, 21.1.12
 Harris v Associated Portland Cement Manufacturers Ltd C3.3.1

References are to paragraphs

TABLE OF CASES

- Harris v Birkenhead Corp 9.2.05, 9.4.10
Harris v Carnegie's Pty Ltd 19.1.22, 19.4.09, 23.5.05
Harris v Fiat Motors C23.2.4
Harrison v National Coal Board 10.2.15, 23.4.05
Hart v Lancashire & Yorkshire Railway Co 3.1.20
Hartley v Mayoh 9.3.34, 10.2.18
Hartwell v Grayson, Rollo and Clover Docks Ltd C9.2.1, 9.2.03
Harvey v Harvey C18.5.1
Harvey v R E O'Dell Ltd 23.3.10
Harvey v Singer Manufacturing Co Ltd C5.1.3
Harwood v Wyken Colliery Co C4.2.2
Haseldine v C A Daw & Son Ltd C2.5.1, 9.2.08, C9.3.1, C9.3.2
Havelberg v Brown C8.6.2
Haversham Grange, The C4.2.1, C4.2.2, 4.2.07
Hawkins v Coudson and Purley UDC C9.2.1, C9.3.6
Hawkins v Lindsley 6.4.25
Hay v Australasian Institute of Marine Engineers 15.10.02
Haylan v Purcell 10.1.06
Haynes v Harwood 2.1.03, C2.4.1, C2.4.3, 4.3.11, 4.3.13, C5.1.3, 7.3.08, **C8.7.1**, 12.6.01
Hazelwood v Webber 20.1.05, 20.1.07, 20.1.08, 20.1.11
Healing (Sales) Pty Ltd v Inglis Electrix Pty Ltd (HC) 6.2.06, C18.6.1, 22.5.03; *see also* Inglis Electrix Pty Ltd v Healing (Sales) Pty Ltd
Heap v Ind Coope and Allsopp Ltd C21.1.2, 21.1.08
Heard v New Zealand Forest Products Ltd 9.4.12
Heaven v Pender 2.2.02-03, 2.2.05, C2.3.1, C8.3.1, C8.5.1
Hedley Byrne & Co Ltd v Heller & Partners Ltd 1.4.02, C2.3.2, 2.3.13, C8.4.2, 11.6.06, **C14.2.1**, C14.2.2, 14.2.08, 14.2.10, 14.2.12, 14.2.14-16, C14.3.1
Heilbut, Symons & Co v Buckleton 14.1.04, C14.2.1
Helby v Matthews 22.2.07
Helson v McKenzies (Cuba Street) Ltd C22.6.1
Hemmings v Stoke Poges Golf Club Ltd 18.7.07
Henderson v Henry E Jenkins & Sons 3.4.09
Henwood v Municipal Tramways Trust 8.9.01, C8.9.1, C10.2.10
Herald and Weekly Times Ltd v McGregor C6.2.1
Herbert v Harold Shaw Ltd 10.2.18
Herd v Weardale Steel, Coke and Coal Co C16.2.4, 16.2.27
Heron II, The; *see* Czarnikow (C) Ltd v Koufos
Herschtal v Stewart and Arden Ltd C2.5.2
Herring v Boyle C16.2.1
Herring v Metropolitan Board of Works C21.1.1
Herrington v British Railways Board 3.2.04, 8.6.05, 9.1.10, C9.4.1, C9.4.2, 9.4.07, 9.4.08, 9.4.10, 9.4.11, 9.4.14
Heydon v Smith C22.4.3
Hiap Lee (Cheong Leong and Sons) Bricklayers Ltd v Weng Lok Mining Co Ltd 19.8.06, 20.4.02
Hickman v Maisey 15.1.01, 18.2.22
Hicks v Faulkner 16.1.02, C16.3.2
Higgs (Billy) & Sons Ltd v Baddeley 3.2.11
Higgins v Andrewes 18.5.10
Higgins v William Inglis & Son Pty Ltd 12.2.03, C12.3.4, 12.3.08, 12.3.14, 12.3.16, 12.6.01
Hilder & Associated Portland Cement Manufacturers Ltd 9.1.04
Hill v Tupper 18.2.04
Hillen and Pettigrew v ICI (Alkali) Ltd C9.4.2, C18.6.1
Hillyer v St Bartholomew's Hospital C23.2.2
Hilton v Thomas Burton (Rhodes) Ltd 23.3.10, C23.4.2
Hinz v Berry C8.8.1
Hoad v Scone Motors Pty Ltd C6.3.2
Hobbit v London & North Western Railway Co 23.1.02
Hobbs v Marlowe 6.3.04
Hobbs v Petersham Transport Co Pty Ltd 22.3.01
Hocking v Bell C3.3.2
Hodge & Sons v Anglo-America Oil Co C2.3.1
Hoebinger v Koppens 11.6.19
Hogan v A G Wright Pty Ltd 5.1.02, 18.8.01, C18.8.2
Hole v Hocking 4.1.10
Hole v Sittingbourne & Sheerness Railway Co C23.5.1
Hollebone v Greenwood 13.2.13
Holliday v National Telephone Co 21.1.12, 23.5.06
Hollins v Fowler C22.2.1, C22.2.3
Holloway v McFeeters C3.4.1
Hollywood Silver Fox Farm Ltd v Emmett 19.1.06, 19.1.12, 19.7.01, C19.7.1
Holmes v Mather C11.3.4
Holmes v Wilson 18.1.06
Holodook v Spencer 8.6.14
Honeywill & Stein Ltd v Larkin Bros Ltd C23.5.1, 23.5.02
Home Office v Dorset Yacht Co Ltd 1.1.13, 2.2.02, 2.3.13, C2.3.2, 2.3.05, C3.1.6, 3.1.25, 4.3.05, C5.3.1, 8.2.02, C8.2.3, C8.4.2, 8.6.16, C14.3.1
Hood v The Commonwealth 24.2.03
Hook v Cunard Steamship Co Ltd 16.2.29, 16.2.42-44
Hooper v Rogers 19.2.03
Horrocks v Lowe C15.10.1, 15.9.18
Horsley v MacLaren 8.6.07
Hough v London Express Newspaper Ltd 15.3.01, C15.5.1, 15.6.04
Houghland v RR Low (Luxury Coaches) Ltd 22.3.01
Houghton v Oakley 16.3.03
Houldsworth v City of Glasgow Bank C23.3.3
Hounslow v Twickenham Garden Developments 18.2.07
How v Jones C19.4.1
Howard v Loney 7.2.34, 8.6.15
Howard Marine & Dredging Co Ltd v A Ogden & Sons (Excavations) Ltd 14.2.12

References are to paragraphs