

International and Interstate CONFLICT OF LAWS

SECOND EDITION

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INTERNATIONAL AND INTERSTATE
CONFLICT OF LAWS

Preface

It is now five years since the publication of the first edition of this book. Despite the fact that conflict of laws is only an optional subject in most Australian law schools the first edition sold well and a second edition has been called for. The opportunity has been taken to thoroughly revise the book and change its arrangement. In addition to the obvious inclusion of new cases and legislation the main changes are (1) the rearrangement of the chapters and their grouping into larger Parts (2) the inclusion of new chapters on quasi-contracts, currency questions, trusts, and arbitration (3) the incorporation of the material on matrimonial law from Pryles, *Conflicts in Matrimonial Law* (Butterworths, 1975) and (4) the reduction of the digests (being summaries of cases not fully reproduced) and their reproduction together with questions and comments in the form of Notes following leading cases and statutes.

As in the case of the first edition, for reasons of space, it has not proved possible to include cases on the topics of infants and legitimacy and on the sub-topics of powers of appointment in the field of succession.

The greater bulk of the material in this edition has been contributed by Dr Pryles. Professor Sykes, by reason of the magnitude of his commitment to other projects at the time, was unable to consider approaching this work on the basis of an equal division of topics. It was therefore agreed between the two contributors that Professor Sykes confine his direct contribution to the property aspects of the subject. The result is that the division of topics is as follows: Dr Pryles is responsible for Parts I-V (Chapters 1-18) and Parts VII-VIII (Chapters 24-27) whilst Professor Sykes is responsible for Part VI (Chapters 19-23). Both authors were concerned in the planning involved in the changes effected by the present edition.

The manuscript was completed in March 1980 and the cases, legislation and secondary materials were selected as at that time. For the sake of completeness, however, attention is drawn to the following recent cases which appeared too late to be considered for inclusion in the book: *Myerson v Martin* [1979] 1 WLR 1390 (CA) (jurisdiction in actions in personam: ch 5) *Castree v E R Squibb & Sons Ltd* [1980] 2 All ER 589 (CA) (service *ex juris* in tort: ch 5); *Nauru Local Government Council v Australian Shipping Officers Association* (1978) 27 ALR 535 (standing to sue: incidentally considered in ch 8); *Winkworth v Christie, Mason & Woods Ltd* [1980] 2 WLR 937 (transfer of movable property: ch 20); *Hunt v BP Exploration Co (Libya) Ltd* (1980) 28 ALR 145; 54 ALJR 205 (foreign judgments: ch 25); *In the Marriage of Van Der Kreek* (1980) FLC 75,105 (foreign judgments: ch 25); *Johnstone v Commonwealth* (1979) 23 ALR 385 (federal jurisdiction: ch 27); *China Ocean Shipping Corporation v South Australia* (1979) 27 ALR 1 (federal jurisdiction: ch 27); *McManus v Clouter* (1980) 29 ALR 101 (federal jurisdiction: ch 27); *L Grollo & Co Pty Ltd v Nu-Statt Decorating Pty Ltd* (1980) 4 ACLR 907 (federal jurisdiction: ch 27). Attention is also drawn to s 17(3) of the *Contracts Review Act* 1980 (NSW) (statutes: ch 3).

CONFLICT OF LAWS

Thanks are due to Mrs Gretchen Kewley who prepared the index in her usual efficient and competent way. Professor Sykes also desires to thank the Government Departmental officers in Darwin for their assistance in regard to this book and other books in which he has been concerned in advising as to Northern Territory legislation.

November 1980

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CONFLICT OF LAWS

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Table of Cases

References are to paragraphs

[References in **bold** type indicate the paragraphs where cases are extracted in detail]

- A v B [1979] . . . 725, 726
A G Der Manufacturen IA Worinin Leutschig v Frederick Huth & Co (1946) . . . 2027
A J Smeman Car Sales v Richardsons Pre-Run Cars (1969) . . . **2001**
A M Luther Co v James Sagor & Co [1921] . . . 431, **433**, 436
Abate v Abate [1961] . . . 1412
Abd-ul-Messih v Farra (1888) . . . 2214, 2615
Abdul Manan, Re [1971] . . . 1311
Abouloff v Oppenheimer (1882) . . . 2514, 2516
Adam v Saenger 1938 . . . 2606
Adams v Adams [1971] . . . 432
— v Clutterbuck (1882) . . . 2029
— v National Bank of Greece and Athens [1961] . . . 2201, **2203**
Adastra Aviation Ltd v Airparts (NZ) Ltd [1964] . . . 1704
Adcock v Aarons (1903) . . . 534, 535
Addison v Addison [1955] . . . 1232
Adelaide Electric Supply Co Ltd v Prudential Assurance Co Ltd [1934] . . . 333, 1802
Admiralty Commissioners v SS Amerika [1917] . . . 1509
Aetna Life Inc Co v Dunken (1924) . . . 205
Ah Hip deceased, Re [1964] . . . 111
Aichhorn & Co KG v The Ship MV Talabot (1974) . . . **601**, 602
Airey v Airey [1958] . . . 1511
Aitchson v Dixon (1870) . . . 920
Aksionairnoye Obschestvo Dlia Mechanicheskoyi Obrabotky Diereva (1) A M Luther v James Sagor
& Co [1921] . . . 431, **433**, 436
Alaska Packers Association v Industrial Commission (1935) . . . 205, **2610**, 2611, 2614
Albeko Schumaschinen v Kamborian Shoe Machine Co Ltd (1961) . . . 1616
Albert v Fraser Companies Ltd [1937] . . . 702
Alberti deceased, In the Estate of [1955] . . . 2232, **2235**, 2236
Alcock v Smith [1892] . . . 2001, 2005, 2020, 2025, 2026
Ali v Ali [1968] . . . 1101
Allan J Panozza & Co Pty Ltd v Allied Interstate (Qld) Pty Ltd [1976] . . . **405**
Allen v Scott [1972] . . . 724
Allen's Estate, In re [1945] . . . 2229, **2239**, 2240
Allhusen v Malgarejo (1868) . . . 522
Alliance Bank of Simla v Carey (1880) . . . 2715
Allsopp v Incorporated Newsagencies Co Pty Ltd (1975) . . . **421**
Alves v Hodgson (1979) . . . 2020
Amalgamated Society of Engineers v Adelaide Steamship Co (1920) . . . 2606
American Cynamid Co v Ethicon Ltd [1975] . . . 2107
Anderson, Re [1911] . . . 2249
— v Eric Anderson Radio & TV Pty Ltd (1965) . . . 1501, **1503**, 1504, 1506, 1507, 1508, 1513,
1514, 1704, 1705
— v Laneuville (1854) . . . 914, 920
— v N V Transandine (1941) . . . 434
Andrews v Nominal Defendant (1965) . . . 1705
Andros, In re (1883) . . . 2228, 2229
Anghinelli v Anghinelli [1918] . . . 1304, 1305
Anglo-Iranian Oil Co Ltd v Jaffrate [The Rose Mary] [1953] . . . **436**
Annesley, In re; Davidson v Annesley [1926] . . . 205, **305**, 306, 309, 902
Anstruther v Chalmer (1826) . . . 2227

CONFLICT OF LAWS

- Antilope, The (1872) ... 2613
 Antony Gibbs & Sons v La Societe Industrielle et Commerciale des Metaux (1890) ... 1621
 Anziani, In re; Gerbert v Christopherson [1930] ... 1904, 2019
 Apt v Apt [1947] ... 1206
 — v — [1948] ... 1214
 Arab Bank Ltd v Barclays Bank (Dominion, Colonial and Overseas) [1954] ... 1621, 1907, 2028
 Archilopoulos, Re [1928] ... 2306
 Arias, Ex parte; R v Brentwood Superintendent Registrar of Marriages [1968] ... 1220
 Armadora Occidental SA and Ors v Horace Mann Insurance Co [1977] ... 521, 1609
 Armitage v A-G [1906] ... 1007A, 1405, 1407, 1408, 1409, 1419
 Armstead v Armstead [1954] ... 932
 Armytage v Armytage [1898] ... 1304, 1305
 Artola Hermanos, In re (1890) ... 2243
 Ashworth v Munn (1880) ... 1902
 Asiatic Steam Navigation Co Ltd v Commonwealth (1956) ... 2718, 2719
 Askew, In re [1930] ... 307
 Assunzione, The [1954] ... 519, **1610**, 1612
 Athenee, The (1922) ... 516, 719, 720
 Atkinson v Ritchie (1809) ... 1622
 Atlantic Star, The [1973] ... 702, 723, 724, 725, 726, 1508
 Atlantic Underwriting Agencies Ltd v Compagnia Di Assicurazione Di Milano Spa [1979] ... **521**
 Atlas Co of Engineers v York (1903) ... 528
 Attorney-General v Australian Agricultural Co (1934) ... 1706
 — v Bouwens (1838) ... 1904, 2209
 Attorney-General for Alberta v Cook [1926] ... 109, 110, 935, 1408
 Attorney-General for Ontario v A-G for Canada [1912] ... 2606
 Auckland Corporation v Alliance Assurance Co Ltd [1937] ... 1802
 Auckland Harbour Board case [1924] ... 2718
 Aufhauser v Scotboard Ltd 1973 ... **1602**
 Augustus v Permanent Trustee Co (Canberra) Ltd (1971) ... **2105**, 2108
 Australasian Temperance and General Mutual Life Assurance Society Ltd v Howe (1922) ... **2704**
 Australian Federal Life and General Assurance Co Ltd, In re [1931] ... 2003
 Australian Iron and Steel Ltd v Hoogland (1962) ... 1511
 Australian Mutual Provident Society v Gregory (1908) ... **2248**, 2249
 Australian National Airlines Commission v Commonwealth of Australia and Canadian Pacific Airlines Ltd (1975) ... **2717**
 Austrian-Lloyd Steamship Co v Gresham Life Assurance Society [1903] ... 714, 719
 Autographic Register Co v Phillip Hano Co 1952 ... 342
 Axon v Axon (1937) ... 416, 1205
 Aylmore deceased, Re [1971] ... **2208**
 Azam, Ex parte; R v Governor of Pentonville Prison [1974] ... 1311
- Baarn, The [1933] ... 1804
 Babcock v Jackson [1963] ... 336, 341, 1504
 Baccus SRL v Servicio Nacional del Trigo [1957] ... 706
 Bagot's Settlement, In re [1894] ... 1902
 Bailey v Bailey [1909] ... 932
 Bain v Whitehaven Railway Co (1850) ... 411
 Bainbridge Hawker v Minister of State for Trade and Customs (1958) ... 2715
 Baidail v Baidail [1946] ... **1102**, 1226
 Baird v Byrne (1854) ... 911
 Baker v Baker [1945] ... 931
 Baldry v Jackson [1976] ... 1707
 — v — [1977] ... **1707**
 Baldwin v Iowa Travelling Men's Association (1931) ... 2606
 Ballantine v Golding (1784) ... 1502
 Banbury v Bank of Montreal [1918] ... 526
 Banco, The [1971] ... 602
 Banco de Portugal v Waddell (1880) ... 2246
 Banco de Vizcaya v Don Alfonso de Borbon [1935] ... **435**

References are to paragraphs

TABLE OF CASES

- Bank of Africa Ltd v Cohen [1909] ... 1624, **1625**, 1626
 Bank Voor Handel En Scheepvaart v N V Slatford [1953] ... **434**
 Bankers & Shippers Insurance Co of New York v Liverpool Marine & General Insurance Co Ltd ... 2402
 Banques des Marchands de Moscou, In re [1952] ... 2027, 2208
 Barcelo v Electrolytic Zinc Co of Australasia Ltd (1932) ... **319**, 322, 323, 325, 333, 1626
 Barclays Bank Ltd v Inland Revenue Commissioners [1961] ... 518
 Barker v Hodgson (1814) ... 1622
 Barnado v Ford (Gossage's case) [1892] ... 725
 Barnett's Trusts, Re [1902] ... **2205**, 2206
 Baron De Bode's case (1845) ... 403, 414
 Barr's Trust, In re (1858) ... 2248
 Barry v Butlin (1838) ... 411, 916
 Baschet v London Illustrated Standard [1900] ... 424
 Bata v Bata [1948] ... 526
 Bater v Bater (*orse* Lowe) [1906] ... 1419, 1420, 1423, 2515
 Bath v British and Malayan Trustees Ltd (1969) ... **2214**
 Batthyany v Walford (1887) ... 1704, 1705, 1706
 Baume v Commonwealth (1906) ... 2718
 Beales' Settlement, In re [1905] ... 2238
 Beaumont, In re [1893] ... **937**, 938
 Beavan v Lord Hastings (1856) ... 2202
 Beckford v Kemble (1822) ... 703
 Bell v Kenndey (1868) ... 912, **913**, 917, 918, 931
 Belyando Shire Council v Rivers (1908) ... 534, 535
 Bempde v Johnstone (1796) ... 907
 Benko deceased, In re [1968] ... **111**
 Berchtold, In re; Berchtold v Capron [1923] ... **1902**, 1903, 1904
 Berliner Industriebank AB v Jost [1971] ... 2512
 Berthiaume v Dastous [1930] ... 314, 1201, **1204**
 Beswick v Beswick [1968] ... 1804
 Bethell, Re (1887) ... 1104, 1220
 Biewend v Biewend ... 1510
 Biggs v Lawrence (1789) ... 431
 Birtwhistle v Vardill (1826) ... 802
 Bishopgate Motor Finance Corporation v Transport Brakes Ltd [1949] ... 2010
 Black-Clawson International Ltd v Papierwerke Waldhof-Aschaffenburg AG [1974] ... 403, 1609, 2506, 2526
 Blackburn Bobbin Co v Allen & Sons [1918] ... 1622
 Blackwood v R (1882) ... 2213
 Blad v Bamfield (1674) ... 1502
 Blight v Page (1801) ... 1622
 Blohn v Desser [1962] ... 2505
 Bloxam v Favre (1883) ... 319
 Boettcher v Boettcher (1949) ... 1228
 Boissevain v Weil [1949] ... 325, 1604, **1605**, 2105
 Boissiere v Brockner (1899) ... 2506
 Boldrini v Boldrini and Martini [1932] ... 918, 929, 935, 1230
 Bondarenko v Bondarenko [1967] ... 416
 Bonnin v Neame [1910] ... 717
 Bonython v The Commonwealth of Australia (1948) ... 1801, **1802**
 — v — [1951] ... 516, 517, 1614, 1615, 2105
 Borthwick v Walton (1855) ... 522
 Boucher v Lawson (1734) ... 431
 Boughton v Boughton (1750) ... 2238
 Bourke, Re (1919) ... 2249
 Bowes, In re (1906) ... 305
 Bowling v Cox [1926] ... 535
 Boyd v Boyd [1913] ... 1314
 Boys v Chaplin [1968] ... 302, 2506

References are to paragraphs

CONFLICT OF LAWS

- Brabender v Brabender [1949] ... 912
 Brabo, The [1949] ... 515
 Bradford v Young (1885) ... 2213, 2227, 2229
 Bradford Electric Light Co v Clapper (1932) ... 1626, 2610, 2614
 Bradlaugh v De Rin (1868) ... 2018
 Bradshaw, In re [1902] ... 2238
 — v Lancashire and Yorkshire Ry Co [1875] ... 1510
 Brambles Constructions Pty Ltd v Helmers (1966) ... 1707
 Brannigan v Brannigan (1954) ... 1904
 Breakey v Breakey ... 314
 Bremer v Freeman (1857) ... 306, 411, 2216, **2217**, **2218**
 Brewster, In re; Butler v Southam [1908] ... 2615
 Bridge v Grand Junction Railway Co (1838) ... 1503
 Bridger, In re [1894] ... 2224
 Briggs v Chamberlain (1853) ... 1902
 Brights Settlement, In re (1880) ... 2248
 Briginshaw v Briginshaw (1938) ... 1230
 Bristow v Sequeville (1850) ... 2020
 British South Africa Co v Companhia de Mocambique (the Mocambique case) [1893] ... 702, 703, 1704
 — v De Beers Consolidated Mines Ltd [1910] ... 703, 1609, **1624**, 1626, 2029
 British Steel Corporation v Jardine [1978] ... 724
 Breen v Breen [1964] ... 310
 Bremer v Freeman (1857) ... 308
 Broadmayne, The [1916] ... 602
 Brockley Cabinet Co Ltd v Pears (1972) ... 2517
 Broderick v Rosner ... 2611, 2614
 Brodie v Barry (1813) ... 2238
 Brodin v A/R Seljan 1973 ... **324**
 Brokaw v Seatrain UK Ltd [1971] ... **430**
 Broken Hill Proprietary Co v Latham [1933] ... 1802
 Brook v Badley (1868) ... 1902
 — v Brook (1861) ... 1203, **1215**, 1219, 1220
 Broom v Morgan [1953] ... 1512, 1513
 Broome v Cassell & Co Ltd [1972] ... 2525
 Brown v Brown (1963) ... 1423
 — v Gregson [1920] ... 2240
 — v Lynch ... 937
 Bruce v Bruce 1800 ... 907
 Buchanan v Rucker (1808) ... 1422, 2506
 Buerger v New York Life Assurance Co (1927) ... 403
 Bullock v Caird (1875) ... 404
 Burke, Re [1928] ... 1904
 — v Burke (*or*se Lyubimove) (1955) ... 1420
 Busfield, In re; Whaley v Busfield (1886) ... 504
 Butler, Re [1969] ... **2609**
 Butterfield v Forrester (1809) ... 1503
 Buttigeig v Universal Terminal & Stevedoring Corporation [1971] ... **523**
 Caldwell v Caldwell [1946] ... 1306
 Callender Sykes & Co v Colonial Secretary of Lagos [1891] ... 2249
 Caltex Oil (Aust) Pty Ltd v The Dredge Willemstad (1976) ... **602**
 Camden & Suburban Railway Co v Stetson (1900) ... 2709
 Cammell v Sewell (1860) ... 2001, 2012, **2013**, 2015, 2026
 Campbell v Campbell (1866) ... 2229
 Canadian Conqueror, The (1962) ... 706
 Canadian Pacific Railway Co v Parent [1917] ... 1504, 1509
 Canadian National Steamships Co v Watson [1939] ... 1504
 Canadian Transport, The (1932) ... 1806
 Cap Blanco, The [1913] ... 714, 719

References are to paragraphs

TABLE OF CASES

- Carey v Askew (1786) ... 2238
 Carl Zeiss Stiftung v Rayner & Keeler Ltd (No 2) [1967] ... 2501, 2506, **2521**
 — v — (No 3) [1970] ... 2522
 Carlton deceased, Re [1924] ... **2209**
 Carr v Francis Times & Co [1902] ... 1504
 Carrick v Hancock (1895) ... 502, 2504
 Carse v Coppen 1951 ... 1602
 Cartier deceased, In re [1952] ... 111, **902**
 Carvalho v Hull, Blyth (Angola) Ltd (1979) ... 721
 Casborne v Scarfe (1737) ... 1905
 Casdagli v Casdagli [1918] ... 306, 307
 Castrique v Imrie (1869) ... 1422
 — v —; In re Trufort (1870) ... 601, 1422
 Catterall v Catterall (1847) ... 1214
 Central Control Board v Cannon Brewery Co [1919] ... 433
 Century Credit Corporation v Richard (1962) ... 2011
 Chadwick v Bridge (1951) ... 1705
 Chapelle v Chapelle [1950] ... 1421
 Chaplin v Boys [1971] ... 1501, **1504**, 1506, 1507, 1508, 1510, 1705
 Charron v Montreal Trust Co (1959) ... 1511
 Chartered Mercantile Bank of India v Netherlands India Steamship Navigation Co (1883) ... 1610
 Chatenay v Brazilian Submarine Telegraph Co [1891] ... 1622
 Chatfield v Berchtold (1872) ... 1902
 Chaudhry v Chaudhry [1976] ... 1104
 Cheni (*orse* Rodriguez) v Cheni [1965] ... 1101, 1103, 1219
 Cherry v Cherry (1970) ... **919**, 1314
 — v Thompson (1872) ... 511, 522
 Chetti v Chetti [1909] ... 1219, 1224
 Chief Collector of Taxes v Bayliss (1976) ... **2532**
 Christina, The [1938] ... 706
 Christmas v Russell ... 2614
 Chung Chi Cheung v R [1939] ... 436
 City Finance Co Ltd v Matthew Harvey & Co Ltd (1914) ... 531
 Clare v Dresdner Bank [1915] ... 2020
 Clark v Clark (1966) ... **210**
 Clayton v Clayton 1937 ... 324
 Cleaver and Ors v Mutual Reserve Fund Life Association [1892] ... 2616
 Clegg v Levy (1812) ... 2020
 Coast Lines Ltd v Hudig & Veder Chartering NV [1972] **519**, ... 1613
 Cohen v Cohen (1929) ... 2708, 2709, 2710, 2711, 2715
 — v Kaminetsky (1961) ... 341
 Cohn, In re [1945] ... **410**, 411
 Cole v Cunningham (1889) **2522**
 Coleman v Chang [1961] ... 1104
 Collier v Rivaz (1841) ... 306, 307, 308, 309
 Colling, In re (1886) ... 1904
 Collins v North British and Mercantile Insurance Co [1894] ... 523
 Colonial Bank v Cady (1890) ... 2020
 Colorado, The [1923] ... **408**, 409, 2020
 Colt Industries v Sarlie (No 1) [1966] ... 501, **502**
 — v — (No 2) [1969] ... 2512
 Colville v Saunders ... 922
 Commissioner of Stamp Duties v Salting [1907] ... 1904
 Commissioner of Stamp Duties (NSW) v Owens (No 2) (1953) ... 2712, 2715, 2718
 — v Perpetual Trustee Co (Watt's case) (1926) ... 2210
 Commissioner of Stamps v Hope [1891] ... 1904, 1907, 2020, 2027, 2210
 Commissioner of Stamps (Qld) v Wienholt (1915) ... 323
 Commonwealth v Anderson (1960) 2718
 — v Baume (1905) ... 2718, 2719
 — v Burns [1971] ... 2718, 2719

References are to paragraphs

CONFLICT OF LAWS

- Commonwealth v Cigamatic Pty Ltd (1962) . . . 2718
 — v Lawrence (1960) . . . 2718, 2719
 — v Miller (1910) . . . 2719
 — v NSW (1923) . . . 2708, 2712
 Commonwealth Agricultural Service Engineers Ltd, Re [1928] . . . 116, 418, 2612
 Compagnie d'Armement Maritime SA v Compagnie Tunisienne de Navigation SA [1970] . . . 302, 1615
 Compagnie des Messageries Maritimes v Wilson (1954) . . . 516, 717, 718
 Compagnie Tunisienne De Navigation SA v Compagnie D'Armement Maritime SA [1971] . . . 519
 Compania Espanola de Navegacion Maritima SA v The Navemar (1938) . . . 430
 Compton v Bearcroft (1769) . . . 1202
 Concha v Concha (1886) . . . 2213
 Connal & Co v Loder & Others (1868) . . . 1602
 Conneticut Fire Insurance Co v Kavanagh [1892] . . . 533
 Connor v Connor [1974] . . . 2519
 Conoco Britannia, The [1972] . . . 602
 Contractors Ltd v MTE Control Gear Ltd [1964] . . . 714
 Converse v Hamilton . . . 2611
 Conway (*orse* Beazley) v Beazley (1931) . . . 1220
 Coode, In the Goods of (1867) . . . 2209
 Cook Industries Inc v Galliher [1979] . . . 705
 Cooke's Trusts' Re (1887) . . . 941
 Coombe v Sansom (1882) . . . 2616
 Cooper v Cooper (1888) . . . 2020
 — v Crane [1891] . . . 1230
 Coote, Ex parte (1948) . . . 1904
 Corbett v Corbett [1957] . . . 1316, 1412
 Corcoran v Corcoran [1974] . . . 1514
 Cordova Land Co Ltd v Victor Bros Inc [1966] . . . 518, 522, 523, 524, 525, 526, 713
 Cosnahan, In the Goods of (1866) . . . 2213
 Costanzo v Sturgill (1958) . . . 341
 Cotter v Workman (1972) . . . 513, 1707
 Cutter v Powell (1795) . . . 534
 Courageous Colocotronis, The [1979] . . . 722
 Crane v Hegeman-Harris Co Inc [1939] . . . 711
 Craven-Ellis v Cannons Ltd [1936] . . . 534
 Craven's Estate, In re [1937] . . . 2009
 Cremer v Cremer [1905] . . . 1314
 Crick v Hennessy [1973] . . . 2507
 Croft v Dunphy [1933] . . . 319, 511
 Crook (A S) deceased, Re (1936) . . . 1904
 Crowe v Kader [1968] . . . 1101
 Crozier, Stephens & Co v Auerbach [1908] . . . 516
 Cruh v Cruh [1945] . . . 918, 1230
 Crumpton's Judicial Factor v Finch-Noves 1915 . . . 906
 Cruse v Chittum [1974] . . . 1303, 1312
 Cuba RR v Crosby (1912) . . . 205
 Cunningham v Dunn (1878) . . . 1622
 Cunnington, In re [1924] . . . 2227, 2229
 Curran v Young (1965) . . . 1503
 Currie, In the Will of (1899) . . . 2210
 — v Bircham (1822) . . . 2212, 2215
 Cutcliffe's Will Trusts, Re [1940] . . . 1901, 1903

 Daarnhouwer & Co, Handelmaatschappij, NV v Boulos [1968] . . . 2506
 Dahl v Nelson (1881) . . . 1802
 Dallas, In re [1904] . . . 2248
 Dalmia Dairy Industries Ltd v National Bank of Pakistan [1978] . . . 2402
 Dalrymple v Dalrymple (1811) . . . 1202, 1204
 Darby v Darby (1856) . . . 1904

References are to paragraphs

TABLE OF CASES

- Davidson v Davidson (1969) ... 1405
 Davidsson v Hill [1901] ... 1509, 2712
 Davies v Davies (1915) ... 2230
 — v Powell Dufferin Assoc Collieries Ltd [1942] ... 1510
 — v Price (1864) ... 2506
 Davis v Chanter (1848) ... 1511
 — v Davis (1922) ... 2533
 — v — (1938) ... 2606
 Dawson, In re [1966] ... 1804
 Dearle v Hall (1823) ... 2248
 De Beech v South American Stores (Gath & Chaves) Ltd [1935] ... 431
 De Brimont v Penniman (1873) ... 424
 De Bueger v J Ballantyne & Co Ltd [1938] ... 1802
 De Cosse Brissac v Rathbone (1861) ... 2503
 Deer Park Engineering Pty Ltd v Townsville Harbour Board [1975] ... 536
 De Greuchy v Wills (1879) ... 1704
 De La Vega v Vianna (1830) ... 2304, 2307
 De Nicols v Curlier [1900] ... 301
 Deniz and Demiz [1977] ... 1230
 Deputy Commissioner of Taxation v Brown (1958) ... 2715
 De Reneville v De Reneville [1948] ... 1201, 1220, 1221, 1230, 1316
 De Rossi v Walker (1902) ... 2718
 Deschamps v Miller [1908] ... 703
 Despina and The Folias, The [1979] ... 1806
 D'Etchegoyen v D'Etchegoyen (1888) ... 918
 Deutsche Bank Filiale Nurnberg v Humphrey (1926) ... 1804
 Devine v Cementation Co Ltd [1973] ... 724
 De Virte, In re [1915] ... 2238, 2240
 Dewhurst v Cawrse [1960] ... 1704
 De Wilton, In re [1900] ... 1220
 De Wutz v Hendricks (1824) ... 431
 Diamond v Bank of London and Montreal Ltd [1979] ... 526
 Dictator, The [1892] ... 602
 Didisheim v London and Westminster Bank [1900] ... 803
 Di Ferdinando v Simon, Smiths & Co Ltd [1920] ... 1804, 1806
 Distillers Co (Biochemicals) Ltd v Thompson [1971] ... 522, 523, 524, 525, 526, 1707
 Dobree v Napier (1836) ... 1502
 Doglioni v Crispin (1886) ... 1422
 Don v Lippmann (1837) ... 408, 1504, 1614
 Donaldson v Donaldson [1949] ... 931
 — v McClure (1857) ... 917
 Donnelly, Re (1927) ... 1904, 1907
 Donoghue v Stevenson [1932] ... 522
 Doucet v Geoghegan (1878) ... 914
 Doulson v Matthews (1792) ... 1502
 Dow v Larrabee ... 210
 Dowd v Dowd [1946] ... 512, 528
 Dowdeswell v Dowdeswell (1878) ... 1511
 Downs v Williams (1971) ... 2718, 2719
 Draper v Rastal (1605) ... 1804
 — v Trist and Trisbestos Brake Linings Ltd [1939] ... 524
 — v Turner [1965] ... 324
 Drummond v Drummond (1799) ... 1904
 Duc D'Aumale, The [1903] ... 523
 Duckett v Collector of Imports [1937] ... 1904
 Duke of Marlborough v A-G (No 1) [1945] ... 2104
 Duke of Wellington, In re [1947] ... 307
 Dukov v Dukov [1969] ... 1209
 Dulaney v Merry & Son [1901] ... 2003, 2020
 Dulles' Settlement, In re (No 2) [1951] ... 2506, 2507, 2525

References are to paragraphs

CONFLICT OF LAWS

- Duncan v Lawson (1889) ... 1902
 Dundas v Dundas (1830) ... 2238
 Dunlop Pneumatic Tyre Co Ltd v AG Cudell & Co [1902] ... 506
 Dupleix, The [1912] ... 602
 Durham v Spence (1870) ... 522
 Durra v Bank of NSW [1940] ... 534, 535
 Dyke v Walford (1848) ... 2205
 Dym v Gordon (1965) ... 341, 1504
 Dynamit AG v Rio Tinto Co [1918] ... 415

 E and B Chemicals and Wool Treatment Pty Ltd, In re (No 1) [1939] ... 421, 2616
 Eager, In re; Eager v Johnstone (1882) ... 504
 Earl, In the Goods of (1867) ... 2213, 2214
 Earl Caithness, Re (1891) ... 2230
 Earthworks and Quarries Ltd v F T Eastment & Sons Pty Ltd [1966] ... 501, 534, 535
 East End Dwelling Co Ltd v Finsbury Borough Council [1952] ... 1512
 Edmonds v James (No 2) [1968] ... 1704
 Eider, The [1893] ... 534
 El Condado, The (1939) ... 434, 2027
 Electronic Industries Imports Pty Ltd v The Public Curator of the State of Queensland [1960] ...
 1511, 1702, 2208, 2609
 Eleftheria, The [1970] ... 719, 720, 721
 Eliza Cornish or Segredo, The (1853) ... 2013
 Ellis v M'Henry (1871) ... 319, 2252
 El Oueik, In the Marriage of (1977) ... 1403
 Elston v Industrial Lift Truck Co (1966) ... 336
 Emanuel v Symon [1908] ... 2503, 2505, 2506, 2507, 2528, 2606
 Embiricos v Anglo-Austrian Bank [1905] ... 2001, 2020, 2025
 Emperor of Austria v Day and Kossuth (1861) ... 340, 431
 Employers' Liability Assurance Corporation v Sedgwick Collins & Co [1927] ... 2027
 English v Donnelly 1958 ... 324
 English, Scottish and Australian Bank Ltd v Inland Revenue Commissioners [1932] ... 2027
 Enohin v Wylie (1862) ... 2213
 Entores Ltd v Miles Far East Corporation [1955] ... 526
 Erskine v Adeane (1873) ... 1511
 Escrow Serv Co v Cressler (1961) ... 342
 Esenwein v Commonwealth (1945) ... 2606
 Evans v Rival Granite Quarries Ltd [1910] ... 2003
 Evans deceased, Re; National Provincial Bank v Evans [1947] ... 918
 Evans Marshall & Co Ltd v Bertola SA [1973] ... 720

 Fairclough v Marshall (1878) ... 1905
 Farnell v Bownam (1887) ... 2708, 2718
 Fauntleroy v Lum ... 2614
 Favorke v Steinkopff [1922] ... 2027
 Federal Bank of Australia v White (1895) ... 2249
 Federal Commerce and Navigation Co Ltd v Tradax Export SA, The Maratha Envoy [1977] ...
 1805, 1806
 Federal Sawmill, Timberrary and General Woodworkers' Employees Association (Adelaide Branch)
 v Alexander (1912) ... 2710, 2715
 Fehmarn, The [1958] ... 516, 714, 719, 720, 1607
 Fenton v Fenton [1957] ... 1409
 Ferdinand Wagner v Laubscher Bros & Co [1970] ... 2525
 Fergusson's Will Re [1902] ... 2228, 2229
 Fibrosa Spolka Arcyjna v Lawson Fairbairn Combe Barbour Ltd [1943] ... 1706
 Field v Bennett (1886) ... 504
 Fincham v Spencer (1901) ... 534
 Firebrace v Firebrace (1878) ... 906
 Fitzgerald, In re [1904] ... 1902
 Flakt Australia Ltd v Wilkins & Davies Construction Co Ltd (1979) ... 711

References are to paragraphs

TABLE OF CASES

- Flynn, In re [1968] ... 918, 923, 927
 Fokas v Fokas [1952] ... 1211, 1213
 Forbes v Forbes (1854) ... 917
 Ford v Cotesworth (1868) ... 1622
 — v Ford (1947) ... 804, 1512
 Fordyce v Bridges (1848) ... 2225, 2226
 Folliott v Ogden (1789) ... 426, 435
 Forrester v Jerman ... 335
 Foster v Driscoll [1929] ... 431
 Fowles, Re [1936] ... 1704
 Freeman v The East India Company (1822) ... 2013, 2015
 Freke v Lord Carbery (1873) ... 1902, 1903, 1904
 Freights Queen, The [1977] ... 1609
 Fremlin v Fremlin (1913) ... 914, 917
 Frere v Frere (1847) ... 306
 Fried Krupp AG, In re [1917] ... 436
 Friedman v Kemp [1954] ... 1704
 Fry v Moore (1889) ... 504
 Fuld, In the Estate of; Hartley v Fuld (No 3) [1968] ... 411, 916, 918, 920, 2226
 Fuller's Contract, In re [1933] ... 1904
 Fullerton v Fullerton (1961) ... 111

 G A F Corporation v Amchem Products Inc [1975] ... 517
 G E Dobell & Co v The Steamship Rossmore Co Ltd [1895] ... 343
 Gaetano and Maria, The (1882) ... 412
 Galbraith v Grimshaw [1810] ... 2249
 Gape, Re; Verey v Gape [1952] ... 918
 Garnier, In re (1872) ... 803
 Garretty v Nationwide News Pty Ltd 1966 ... 1508
 Garseabo Nominees Pty Ltd v Taub Pty Ltd [1979] ... 726
 Gauthier, Re [1944] ... 1904
 Gemma, The [1899] ... 602
 Gender's case (1959) ... 1706
 General Steam Navigation Co v Guillou (1843) ... 404
 George Monro Ltd v American Cyanimid and Chemical Corporation [1944] ... 516, 518, 522, 523,
 524, 526
 George Veflings Redeci Als v President of India [1979] ... 1806
 Gessler v Gessler 1959 ... 342
 Gibbs & Sons v La Societe Industrielle et Commerciale Des Metaux (1890) ... 2202, 2251
 Gibson v British Insulated Callenders' Construction Co Ltd 1973 ... 724
 Gilchrist v Dean (1958) ... 1705, 1707
 Glasson v Scott [1973] ... 725
 Godard v Gray (1870) ... 1422, 2513, 2520
 Goenaga, In Estate of [1949] ... 2303
 Goetze, In re; National Provincial Bank Ltd v Mond [1953] ... 2615
 Golden Acres Ltd v Queensland Estates Pty Ltd [1969] ... 1604
 Goldsborough Mort & Co Ltd v Hall [1948] ... 534
 Goodman v Goodman (1862) ... 802
 Goodman's Trust, Re (1881) ... 2228, 2229
 Goodwin v Jorgensen (1973) ... 321
 Gorton v Australian Broadcasting Commission (1974) ... 526
 Gosman v Ockerby [1908] ... 534
 Gossage, In the Estate of [1921] ... 2235
 Gossage's case (Barnado v Ford) [1892] ... 725
 Gould v Incorporated Nominal Defendant [1974] ... 1705
 Gove, Ex parte (1921) ... 531
 Government of India, Ministry of Finance (Revenue Division) v Taylor [1955] ... 429, 430, 431,
 2214, 2532, 2615
 Government of the Republic of Spain v National Bank of Scotland Ltd (The El Condado) (1939) ...
 434

References are to paragraphs