

STUDIES IN PRIVATE INTERNATIONAL LAW

FOREIGN  
CURRENCY CLAIMS  
IN THE CONFLICT  
OF LAWS

---

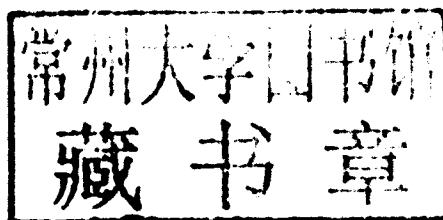
Vaughan Black



• HART •  
PUBLISHING

# Foreign Currency Claims in the Conflict of Laws

Vaughan Black



OXFORD AND PORTLAND, OREGON  
2010

Published in North America (US and Canada) by  
Hart Publishing  
c/o International Specialized Book Services  
920 NE 58th Avenue, Suite 300  
Portland, OR 97213-3786  
USA

Tel: +1 503 287 3093 or toll-free: (1) 800 944 6190  
Fax: +1 503 280 8832  
E-mail: [orders@isbs.com](mailto:orders@isbs.com)  
Website: <http://www.isbs.com>

© Vaughan Black 2010

Vaughan Black has asserted his right under the Copyright, Designs and Patents Act 1988,  
to be identified as the author of this work.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system,  
or transmitted, in any form or by any means, without the prior permission of Hart Publishing,  
or as expressly permitted by law or under the terms agreed with the appropriate reprographic  
rights organisation. Enquiries concerning reproduction which may not be covered by the above  
should be addressed to Hart Publishing at the address below.

Hart Publishing Ltd, 16C Worcester Place, Oxford, OX1 2JW  
Telephone: +44 (0)1865 517530 Fax: +44 (0)1865 510710  
E-mail: [mail@hartpub.co.uk](mailto:mail@hartpub.co.uk)  
Website: <http://www.hartpub.co.uk>

British Library Cataloguing in Publication Data  
Data Available

ISBN: 978-1-84113-892-3

Typeset by Compuscript Ltd, Shannon  
Printed and bound in Great Britain by  
CPI Antony Rowe Ltd, Chippenham, Wiltshire

To my parents, Alan and Maisie Black

---

## ACKNOWLEDGEMENTS

---

Three institutions deserve particular thanks. The Hague Academy of International Law asked me to give a series of lectures on foreign currency obligations in the summer of 2003 and subsequently published them in the *Recueil des cours*. I give special thanks to Peter Trooboff for his part in initiating that invitation and to the Academy for permission to build on those 2003 lectures in writing this book. The Foundation for Legal Research awarded me a grant to hire a research assistant. The staff of the Sir James Dunn Law Library at Dalhousie University were unfailingly competent and pleasant in responding to my many requests for assistance. I especially thank research librarians David Michels, Mark Lewis and Jennifer Adams.

Several people provided help along the way, in particular Barry Glaspey, Archie Kaiser, Mohammed Khimji, Scott Millar, Richard Frimpong Oppong, Angela Swan and Jacob Ziegel. Finally, thanks to everyone at Hart, especially Mel Hamill and Rachel Turner, for their co-operation, competence and patience.

---

## TABLE OF CASES

---

### Australia

AH McDonald and Co Pty v Wells (1931) 45 CLR 506 .....	124
Aldridge Electrical Industries Pty v Mobitec Ab [2001] NSWSC 823.....	125
Australian and New Zealand Banking Group Ltd v Cawood [1987] 1 Qd R 131 (SC)....	126
Bando Trading Co v Registrar of Titles [1975] VR 353 (SC).....	124
Bond v Hongkong Bank of Australia (1992) 106 ALR 273 (Fed Ct).....	126
Brown Boveri (Australia) Pty v Baltic Shipping Co (1989) 15 NSWLR 448 (CA).....	128
Commonwealth v Amann Aviation Pty (1991) 174 CLR 64 (HC) .....	128
Conley v Deputy Commissioner of Taxation (1998) 152 ALR 467 (Fed Ct).....	127
Cooper v Hobart [2001] 3 SCR 537.....	123
Daewoo Australia Pty v Suncorp-Metway Ltd [2000] NSWSC 35 (SC) .....	127
David Securities Pty v Commonwealth Bank of Australia (unreported 6 June 1989) No G234 of 1988 (Fed Ct).....	126–27
Dawson, re (1966) 2 NSWLR 211 (SC).....	88, 124
European Asian Bank AG v Katsikalis [1988] 1 Qd R 45 (SC) .....	126
Evans v European Bank Associates [2009] NSWCA 67 .....	129, 140
Fisher v Madden (2002) 54 NSWLR 179 (CA) .....	126
Glen King Marine & Trading Services v Owners of the Ship Armada Ternak (unreported 26 June 1998) QG 82 of 1997.....	127
Gresham Corp Pty, re [1990] 1 Qd R 306 (SC) .....	126
Griffiths, re [2004] FCAFC 102 (Fed Ct) .....	58, 126
Ikin, re; ex p Lamborghini Tractors of Australia Pty (1985) 58 ALR 759 (Fed Ct) .....	126
Johnco Nominees Pty v Albury-Wondonga (New South Wales) Corp [1977] 1 NSWLR 43 (CA) .....	125
Johnson v Perez (1988) 166 CLR 351 (HC).....	128
Ly v Jenkins [2001] FCA 1640 (Fed Ct) .....	127
Marketforce Advertising Ltd v Stadium Events Pty [2009] WADC 126 (Fed Ct).....	127
Maschinenfabrik Augsburg-Nurenburg AG v Altikar Pty [1984] 3 NSWLR 152 (Comm List).....	125
Mitsui Osk Lines Ltd v The Mineral Transporter [1983] 2 NSWLR 564 (SC Adm).....	125
New Cap Reinsurance Corp v Grant [2009] NSWSC 662 .....	125
Norsemeter Holdings AS v Pieter Boeke (No 3) [2002] NSWSC 390.....	128
Parianos v Lymlid Pty [1999] FCA 684 (Fed Ct) .....	126
Proctor v Jetway Aviation Pty [1984] 1 NSWLR 166 (NSW CA).....	125
Public Service Board of New South Wales v Osmond (1986) 159 CLR 656 (HC).....	128
State Bank of New South Wales Ltd v Swiss Bank Corp (1995) 39 NSWLR 350 (CA) ....	125
State of Queensland v Northaus Trading Co (unreported 13 August 1999) Appeal No 6299 of 1998 (Qd CA).....	60, 83, 129
Trainor Asia Ltd v Calverley [2007] WADC 124 (WA DC) .....	128

Vehicle Wash Systems Pty v Mark VII Equipment Inc (1997) 150 ALR 261 (Fed Ct) .....	127
Vlasons Shipping Inc v Neuchatel Swiss General Insurance Co Ltd (No 2)	
[1998] VSC 135 .....	128
Westpac Banking Corp v Stone Gemini [1999] FCA 917 .....	125

**Barbados**

Bayview Holdings Ltd v Kosinski [1987] BHS J No 1999, 1986 No 7 (HC) .....	89
Sardinha v Johnson (1977) 30 West Indian Reports 1 (HC) .....	89

**Canada**

Abrasive Engineering & Manufacturing Inc v Cowan & Stevens	
Machinery Sales Ltd [2003] OJ No 2037, 33 CPC (5th) 195 (SC) .....	107
Aero Thrust Corp v Québecair [1989] QJ No 1212 (SC) .....	120
Agrex SA v Canadian Dairy Commission (1984) 24 BLR 206 (Fed Ct) .....	118
Agricultural Products Marketing Act, re [1978] 2 SCR 1 (SC).....	99
Airtemp Corp v Chrysler Airtemp Ltd (1981) 121 DLR (3d) 236 (Ont HC).....	117
Albionex (Overseas) Ltd v Conagra Ltd 2009 MBQB 200.....	76
Alliedsignal Inc v DuPont Canada Inc [1999] FCJ No 38,	
86 Carswells Practice Cases (3d) 324 (Fed Ct App) .....	117
Alpine Canada Alpin v Non-Marine Underwriters,	
Lloyd's London (1999) 245 Alta Rep 252, [1999] 1 WWR 359 (QB).....	118
Aluminio Paderno SpA v Paderno Canada Ltd (1985) 52 Nfld &	
PEIR 292 (PEI SC) .....	104
American Express Europe Ltd v Bishop (1987) 1 PRNZ 635 (HC) .....	138
American Savings and Loan Assn v Stechishin (1993) 14 Alta LR (3d) 255 (QB) .....	117
Am-Pac Products Inc v Phoenix Doors Ltd (1979) 14 BCLR 63, 12 CPC 97 (SC) .....	113
Armetec Ltd v Canada Export Development Corp 2007 QCCA 99 .....	117, 120
Asameria Oil Corp v Sea Oil & General Corp [1979] 1 SCR 633.....	21
Asset Management Inc v Telistics Software Inc [2005] QJ No 1966 (SC).....	121
Atlantic Lines & Navigation Co v The Didymi [1988] 1 FC 3 (CA) .....	105
Bachi Corp v ThinkFilm Inc [2009] OJ No 2696 (SCJ) .....	107
Bailey v Cintas Corp [2008] OJ No 1112 (SCJ).....	110, 112
Bank of America Canada v Mutual Trust Co 2002 SCC 43, [2002] 2 SCR 601 .....	71
Bank of Montreal v WoldeGabriel [2007] OJ No 1305 (SCJ);	
aff'd 2008 ONCA 71; [2008] SCCA No 119 (SC) .....	100, 107
Banque Indosuez v Canadian Overseas Airlines Ltd (1990)	
40 CPC (2d) 33 (BCSC); aff'd [1992] BCJ No 578 (CA).....	76, 113
Batavia Times Publishing Co v Davis (1978) 20 OR (2d) 437,	
88 DLR (3d) 144 (HC); aff'd 26 OR (2d) 249 (CA) .....	104–5, 107
Bates v Island Cove Development Ltd [2003] OJ No 4868,	
18 RPR (4th) (Ont SCJ).....	107
Baumgartner v Carsley Silk Co (1971) 23 DLR (3d) 255 (Que CA) .....	103, 120
Beals v Saldanha [2003] 3 SCR 416 (SC) .....	102
Beukeveld Import-Export Agriculture Machines v Agricultural and	
Industrial Representatives Ltd (1988) 75 Nfld & PEIR 156 (PEISC) .....	117

Boardwalk v Maalouf (1992) 6 OR (3d) 737 (CA) .....	110
Bonham v Weir 2009 BSCS 1080.....	98
British Columbia v Biond Fury 2004 BCSC 796 .....	113
Buchanan v Geotel Communications Corp [2002] OJ No 2083, 18 CCEL (3d) 17 (SCJ) .....	112
Bush v Mereshensky (2008) RFL (6th) 450 (Ont SC) .....	107
Cabaniss v Cabaniss 2006 BCSC 1522 .....	113
Campbell v Wilson (1838) 2 NBR (Berton) 416 (NB SC).....	98
Canada Inc v Jubinville [1999] QJ No 5637 (SC).....	121
Canadian Vinyl Industries Inc, re (1978) 29 CBR (NS) 112 (Que SC) .....	117
Capitol Life Insurance Co v Canada [1988] 2 CTC 101, 87 NR 153 (Fed Ct App) .....	116
Cargo Dynamics Logistic Inc v Apex Micro Manufacturing 2009 BCSC 832 .....	114
Carpenter v Whistler Air Services Ltd 2005 BCSC 296.....	113
Catalyst Pulp & Paper Sales Inc v Universal Paper Export Co 2008 BCSC 515.....	113
Champion International Corp v The Sabina 2003 FCT 39, 227 FCR 102; [2003] FCJ No 1479 (Fed CA); [2003] SCCA No 519 (CA) .....	102
Cinmaster v Piccione 2010 ONSC 96 (SCJ) .....	107
Citadel General Insurance Co v Vytlingham [2007] 3 SCR 373 (SC) .....	102
C-L Associates Inc v Airside Equipment Sales (2000) 151 Man R (2d) 200 (QB).....	119
Clinton v Ford (1982) 137 DLR (3d) 281 (Ont CA) .....	117
Cogemar SRL Marble & Granite v Stone Top Factory Inc [2003] OJ No 4263 (SC) .....	110
Cohen v Hill Samuel & Co [1989] RJQ 2078 .....	116, 120–21
Corporate Bank and Trust Co v Toronto-Dominion Bank [1987] OJ No 418 (HC).....	110
Custodian v Blucher [1927] SCR 420, [1927] 3 DLR 40 (SC) .....	99, 101, 119
Dallaire v Kirouac [1999] QJ No 6807 (SC) .....	121
Dillingham Corp Canada Ltd v The Ship Shinyu Maru [1980] 1 FC 303 (Fed Ct) .....	117
Dino Music AG v Quality Dino Entertainment Ltd (1994) 94 Man R (2d) 46, [1994] 9 WWR 137 (Man QB).....	117
Disney Enterprises Inc v Click Enterprises Inc (2006) 267 DLR (4th) 291 (Ont SCJ) ....	107
Doerr Electric Corp v Phelan Brothers Electrical Distributors Ltd [1986] OJ No 1815 (DC) .....	110
Dollina Enterprises Ltd v Wilson Haffenden [1977] 1 FC 169 (TD); aff'd [1977] 2 FC 73 (CA) .....	116
Dunning v Dunning [2006] OJ No 1927 (SCJ) .....	110
Equipments Stosik Inc v Hock Seng Lee Heavy Industries Sdn Bhd 2007 QCCA 1531 .....	117, 121
Esses v Friedberg & Co [2007] OJ No 3029 (SCJ).....	110–11
Exquisite Excavation Corp v Exchequer Energy Resources Ltd (1985) 63 BCLR 273 (CA) .....	102
Farmer's National Bank and Trust Co of Ashtabula v Coles (1981) 33 NBR (2d) 248 (QB).....	117
Ferris v Welsh [1985] BCJ No 128 (Co Ct) (QL) .....	117
Forewell v Savoia Canada Inc [2005] OJ No 2126 (SCJ) .....	107
Fraser v Houston 2005 BCSC 1781 .....	113
Fraser River Pile & Dredge Ltd v Can-Drive Services Ltd [1999] SCR 108 (SC) .....	123
Gatineau Power Co v Crown Life Insurance Co [1945] SCR 655, [1945] 4 DLR 1 (SC).....	99, 101, 109, 119

General Refractories Co of Canada v Venturdyne Ltd [2002] OJ No 54, [2002] Ont Trial Cases 10 (SC).....	109–10
Gérald Abelson Holdings Inc v Platinum Equity Holding Inc [2002] QJ No 2691 (SC); aff'd QJ No 6827 (CA) .....	121
Girsberger v Kresz (2000) 47 OR (3d) 145 (SC); aff'd 50 OR (3d) 157 (CA) .....	108
Good One Express Canada Ltd v 1355930 Ontario Inc [2004] OJ No 4111 (SC).....	108, 112
Governor and Co of the Bank of Ireland v Canada [1989] OJ No 269 (HC) .....	109
Groupe Atlantus v Benmoise [2007] OJ No 4674 .....	110
Halla Merchant Co v Portserv Ltd [1997] FCJ No 219, 126 FTR 300 .....	105
Han v Cho 2009 BCSC 458.....	114–15
Highland Nursing Home Employee Pension Plan Trust v Aldridge (2004) 46 CBR (4th) 298 (Ont CA) .....	107
Hohe-Modell M Hohe GmbH & Co KG v Jocami International Inc [1999] QJ No 2081 (SC) .....	121
Holt Cargo Systems Inc v ABC Containerline NV [2001] 3 SCR 907 (SC) .....	102
Hunter Engineering Co v Syncrude Canada Ltd (1989) 57 DLR (4th) 385 (SC).....	123
Iron Ore Co of Canada v Export Development Canada 2007 QCCS 4296 (SC) .....	121
Itamunoala v Pierce 2004 WL 3167084 (SCJ) .....	110, 112
ITC Distribution Ltd v Filmpac Holdings Ltd (unreported 6 March 1990) No 4787 of 1990 (Vic SC) .....	126, 128
Jenton Overseas Pte Ltd v Townsing [2008] VSC 470 (SC) .....	127
John James Rickard Noble Second Generation Family Trust v Heuson Pharmaceutical Corp 2004 BCSC 482, 47 CPC (5th) 107 .....	114
John Wood & Co (Residential and Agricultural) Ltd v Science 2005 WL 2143278 (SCT Ont) .....	108
Kellogg Brown & Root Inc v Aerotech Herman Nelson Inc 2004 MBCA 63, 238 DLR (4th) 594 (Man CA).....	100, 105, 119–20
Kiat v Ng (1992) 128 NBR (2d) 374 (QB).....	116
Kross Associates Inc v Calvi [1999] QJ No 1348 (SC) .....	121
Kruger Inc v Baltic Shipping Co (1988) 11 FTR 80 (TD); aff'd 57 DLR (4th) 498 (CA) .....	117
Kruger Inc v Baltic Shipping Co [1988] 1 FC 262 (Fed Ct).....	116
La San Giuseppe v Forti Moulding Ltd [1999] OJ No 3352 (SC) .....	110
Lang v Lapp 2009 BCSC 638 .....	113
Le Portz v Ethypharm QCCS 2703.....	121
Lebedev v Papa [1999] QJ No 4251 .....	121
Lee S Wilbur & Co v The Martha Ingraham [1989] FCJ No 427 (TD) .....	116
Levine v Pacific International Securities Inc (1998) 46 BCLR (3d) 110, 16 CPC (4th) 334 (SC) .....	102
Lewis v Beck (unreported 12 May 1998) BC9802042 (Vic SC) .....	127
Litecubes LLC v Northern Light Products Inc 2009 BCSC 427.....	113–14
Lloyd's v Berezowski 2006 AMQM 625, 63 Alta LR (4th) 169 (QB) .....	117
Lotito v Scantlebury (1995) 129 Nfld & PEIR 58 (PEISC); rev'd 146 Nfld & PEIR 337 (CA) .....	112
Lynch v Segal [2007] OJ No 4983, 48 RFL (6th) 397 (SCJ) .....	110
MacMillan v White [1991] OJ No 2143 (Gen Div) .....	107
McCutcheon v McCutcheon (1989) 102 NBR (QB) .....	118

MEC Import Sales Pty v Iozelli Srl (unreported 25 September 1998)	
No 6361 of 1998 (Vict SC) .....	127
Melrose International Trading Ltd v IMP Inc [1998] QJ No 398 (QC).....	121
Minkler v Sheppard (1991) 60 BCLR (2d) 360 (SC).....	117
Morgan v Guimond Boats Ltd (2006) 357 NR 190 (Fed CA) .....	116
Moritex Europe Ltd v Oz Optics Ltd [2005] OJ No 5525 (SC).....	107, 109, 111
Morrell v Ward (1863) 10 Grant's Chancery Cases 231 (Ch Upper Canada).....	98
Muske v Blocher [1989] OJ No 1316 (DC).....	110
Nelson Marketing International Inc v Royal and Sun Alliance Insurance Co of Canada 2005 BCSC 772, 27 CCLI (4th) 57 (BC SC); 2006 BCCA 327, 57 BCLR (4th) 27 (BC CA); [2006] SCCA No 370 (SC) .....	100, 114
Newfoundland Ltd v Wrebbitt Toys and Games Manufacturers Inc [2000] JQ1643 (SC) .....	121
Nottingham Builders Ltd v Location de Motoneiges Haute Matawinie Inc 2006 QCCQ.....	121
NV Bocimar SA v Century Insurance of Canada 53 NR 383 (Fed CA); rev'd [1987] 1 SCR 1247 (SC) .....	100, 116
Olympia & York Developments Ltd, re (1997) 45 CBR (3d) 100 (Ont Ct Gen Div).....	117
Orr v Magna Entertainment Corp [2008] OJ No 16, 63 CCEL (3d) 132 (SCJ) .....	112
Oshawa Group Ltd v Great American Insurance Co (1982) 132 DLR (3d) 453 (Ont CA) .....	107
Pastorelli Ceramiche SpA v O'Gaudet Sales Inc [1995] OJ No 1117 (CJ) .....	108
Pettkus v Becker [1980] 2 SCR 834 .....	123
PLB Holdings v Gehring 2002 ABQB 594, 322 AR 205 (QB).....	117
Prasad v Frandsen (1985) 60 BCLR 343 (BC SC) .....	98, 113, 118
Powers v Mesaros 2007 BCSC 694, 37 BCLR (4th) 119 .....	113
Presse v Serra (1985) 52 Nfld Y PEIR 97 (PEI SC) .....	104
Proctor v Schellenberg 2002 MBQB 135, [2002] 7 WWR 287, 164 Man Rep (2d) 188; aff'd 2002 MBCA 170, 30 CPC (5th) 89 (Man CA).....	117
Promech Sorting Systems BV v Bronco Rentals & Leasing Ltd (1994) 93 Man R (2d) 36 (QB); rev'd 123 DLR (4th) 111 (Man CA).....	117
Quartier v Farah (1921) 49 OLR 186, 64 DLR 37 (CA) .....	88, 98
Reading and Bates Construction Co v Baker Energy Resources Corp [1995] 1 FC 483 (Fed CA); [1994] SCCA No 532 (CA) .....	104, 118
Refco Futures (Canada) v SYB Holdings Corp 2001 BCSC 1037, 16 BLR (3d) 243 (SC); aff'd 2004 BCCA 15, 23 BCLR (3d) 309, 40 BLR (3d) 130 (BC CA) .....	110
Reichman v Vered (2003) 33 BLR (3d) 245 (Ont SCJ) .....	107
Ripulone v Pontecorvo (1989) 98 NBR (2d) 267 (QB); var'd 104 NBR (2d) 56 (CA).....	117
Roberts v Horizon FX Limited Partnership 2009 BCSC 304.....	113
Rolimex Srl v McCormack, Zatzman Ltd (1979) 32 NBR (2d) 436 (QB) .....	117
S&S Seafood Co v Toronto-Dominion Bank [1993] BCJ No 375 (BC SC) .....	113
SA Cyronic Medical, re (unreported 22 August 2002) BC200204891 (Vict SC) .....	127
Smart v Guerster 2005 BCSC 792 .....	110, 113
Salzburger Sparkasse v Total Plastics Service Inc (1988) 50 DLR (4th) 639 (BC SC) .....	113, 117
Sanchez v Ayraud 2008 QCCQ 1279.....	121

Sandy Frank Film Syndication Inc v CFQC Broadcasting Ltd (1983)	104
23 Sask R 241 (Sask CA).....	104
Santa Marina Shipping Co SA v Madeg Holdings Inc (1986) 6 FTR 269 (Fed Ct).....	117
Schweizerische Metallwerke Selve & Co v Atlantic Container Line (1985)	
63 NLR 104 (CA) .....	116
Seafood Exporters Corp of Newfoundland & Labrador v Donnelly Farms Ltd (1989) 81 Nfld & PEIR 173 (Nfld SC).....	117
Shams v Dalvid [2000] OJ No 2856, 97-CV-2951 (Ont SCJ) .....	111
Shibamoto & Co v Western Fish Producers Inc (1991) 48 FTR 176 (TD);	
var'd 145 NR 106 (CA) .....	116
Skaggs Companies Inc v Mega Technical Holdings Inc [2001]	
1 WWR 359 (Alta QB).....	117
Skippings Rutley v Darragh 2008 BCSC 159 .....	113
Smith v Canadian Pacific Railway (1963) 41 DLR (2d) 249 (Sask QB) .....	98
Society of Lloyd's v McNeill (2003) PEISCTD 88, 233 Nfld & PEIR 37 .....	112
Softrade Inc v United Republic of Tanzania (2003) WL 22204619 (Ont SCJ) .....	108
Sports Pool Distributors Inc v Dangerfield 2008 BCSC 9 .....	113-14
Stanton v Gudbranson (1999) 45 RFL (4th) 85 (BC SC) .....	113
Stel-Van Homes v Fortinie (2006) 21 BLR (4th) 78 (Ont SCJ) .....	107
Stendel v Edelman [1990] JQ No 1065, 30 QAC 202 (Que CA).....	117, 120
Stevenson Estate v Siewert (2000) 191 DLR (4th) 151 (Alta CA) .....	119
Stott v Merit Investment Corp (1988) 63 OR (2d) 545, 48 DLR (4th) 288 (CA).....	100, 112
Sun Hung Kai Investment Services Ltd v Sung [2005] OJ No 5761 (SCJ).....	107-8
Ticketnet Corp v Air Canada (1997) 154 DLR (4th) 271, 105 OAC 87 (CA) .....	109-10
Tradex v Laframboise Monetary Services International Inc 2008 QCCS 3299 .....	122
Trans North Turbo Air Ltd v North 60 Petro Ltd [2003] YJ No 60 (SC) .....	104
Trans North Turbo Air Ltd v North 60 Petro Ltd 2003 YKSC 18;	
2004 YKCA 9 (Yukon CA) .....	102
United States v Shield Development Co (2004) 74 OR 583 (SC);	
aff'd (2005) 74 OR (3d) 595 (CA) .....	107-8
Universal Paper Export Co v Tembec Inc [2001] JQ No 5227 (SC) .....	120-21
Van der Heyden v Bell Canada International Inc [2005] JQNo 12726 (SC) .....	121
Varma-Sampo v Beninco Holdings Canada Inc [2001] JQ No 6011 (CS) .....	116
Venture Capital USA Inc v Yorkton Securities Inc (2003) 66 OR (3d) 760 (SC) .....	111
VJ v P-L S [2006] QJ No 9265 .....	115
Williams & Glyn's Bank Ltd v Belkin Packaging Ltd [1983] 1 SCR 661 (SC).....	100, 113
Worthen v Brink, Hudson & Lefever Ltd [1990] BCJ No 2029 (SC) .....	113
XY Inc v IND Lifetech Inc 2009 BCSC 453 .....	113
Yordanes v Bank of Nova Scotia (2006) 78 OR (3d) 590, 23 BLR (4th) 220 (SCJ) .....	112
Zaidenburg v Hamouth 2003 BCSC 671; aff'd 2005 BCCA 356, 52 BCLR (4th) 303.....	113

## Cyprus

Etaireia v Always Travel Holidays Ltd (unreported 1990) Ap 211/89 (DC).....	134
Koulombis v The Ship Maria (1984) 1 CLR 285 (DC) .....	134
Lamaignere v Selene Shipping Agencies Ltd (1982) 1 CLR 227 (DC) .....	134-35
Linmare Shipping Co v Boustani (1981) 1 CLR 386 (DC).....	134

Pafitis v Bonifacio (1983) 1 CLR 883 (DC) .....	134
Pavapvassilou v East Mediterranean Line (1974) 1 CLR 183 (DC) .....	134
Trade Development Bank v The Ship Ariadni PA (1981) 1 CLR 653 (DC).....	134
Williams & Glyn's Bank plc v The Ship Maria (1986) 1 CLR 627 (SC).....	134–35

### **East Caribbean**

Dabreo v Dolland (2000) ECSCJ No 55, Civil suit No 81 of 1995 (SC).....	90
---	----

### **France**

Ivresse v Société Tesserlana [1999] IL Pr 332 (Paris CA) .....	195
Normand v Buzier (1960) 49 <i>Revue critique de droit international privé</i> 573 (Cour de cass 1ère Sect).....	185
Schieffer v Société Jacomo France [1992] IL Pr 25 (Paris CA) .....	186
SNCF v Holzer (1953) 42 <i>Revue critique de droit international privé</i> 377 (Paris CA 5e Ch, 1951) .....	185
Société Edmond Coignet v Banca Commerciale Italiana [1990] IL Pr 377 (Paris CA) .....	186
Société de Transports Internationaux Dehbashi v Gerling Konzern [1990] IL Pr 104 (Poitiers CA) .....	186

### **Germany**

Shipowner's Liability, re [1996] IL Pr 497 (Hanseatic CA).....	195
--	-----

### **Ghana**

Broderick v Northern Engineering Product [1991] 2 GLR 88 (HC) .....	81, 92
Butt v Chapel Hill Properties Ltd [2003–2004] SCGLR 636 (SC) 668 (SC).....	91
Delmas America Africa Line Inc v Kisko Products Ghana Ltd [2005–2006] SCGLR 75 (SC) .....	92
Mensah v National Savings Bank [1989–1990] 1 GLR 620 (SC) 625 (SC) .....	92
National Investment Bank v Silver Peak Ltd [2003–2004] SCGLR 1008 (SC) 1010 (SC) .....	91
Royal Dutch Airlines (KLM) v Farmex Ltd (No 2) [1989–90] 2 GLR 623 (SC).....	91
Takoradi Flour Mills v Samir Faris [2005–2006] SCGLR 882 .....	91

### **Greece**

Recognition of an Italian Judgment, re [2002] IL Pr 165 (Thessaloniki CA).....	195
--	-----

### **Guyana**

Martindale v Guyana National Co-operative Bank [1992] GUY J No 1, 1117/91 (HC)....	90
--	----

**Hong Kong**

Balasing Guring v Ng Lay (unreported 1986) HC1004587/1985 (HC) .....	134
Chak Kak v Pacrim International Capital Inc (unreported 2008) CACV 366/2007 (CA) .....	134
Fargo Shipping Co v Hwa Haur Trading (Hong Kong) Co (unreported 1979) HCA0011959/1978 (HC).....	134
Questnet Ltd v Lane (2008) No 1475 of 2006 (HC) .....	138
Sabah Shipbuilding, Repairing and Engineering Sdn Bhd v Houston Engineering and Equipment Ltd (unreported 1978) HCA001810/1976 (CFI).....	134
Stibbe (Burtox) Ltd v Bayman (unreported 1975) DCCJOO5215/1976 (DC) .....	133

**India**

Forasol v Oil & Natural Gas Commission (1977) EFA (OS) No 5 of 1977 (Delhi HC).....	136
Forasol v Oil & Natural Gas Commission [1983] INSC 162, 1984 AIR 241.....	136-37
MMTC v M/S Bamar Co Ltd (2009) FAO(OS) 124/2006 (Delhi HC) .....	136
Punjab National Bank v Indian Bank [2003] 2 LRI 562 (SC) .....	138
Standard Chartered Bank v Raman (2006) 5 SCC 727 (SC) .....	69, 136, 138

**Ireland**

Damen & Zonen v O'Shea (unreported 1977) (HC) .....	94
Northern Bank v Edwards [1985] IR 284 (SC) .....	94
Rhatigan v Textiles y Confecciones Europeas SA [1992] IL Pr 9 (SC) .....	95

**Kenya**

Beluf Establishment v Attorney General (23 September 1993) CA Appeal No 134 of 1986 (CA) .....	91
Ingra v National Construction Corp [1987] KLR 652 (HC) .....	91
Ssbaggala & Sons Electric Centre Ltd v Kenya National Shipping Line Ltd [2000] LLR 931 (HC) .....	92
Thys v Steyn [2006] eKLR (Nairobi HC).....	92
Universal TPT Co v Tzortzis [1973] 1 EA 310 (HC).....	92

**Malaysia**

Ascot International Pte Ltd v Elevic Trading Sdn Bhd [1996] MLJU 98 (Kuala Lumpur HC) .....	132
Den Norske Bank Asa v Owners of the Ship Forum Alasaka [1998] MLJU 55 (Johor Bahru HC) .....	132
Hua Daily News Bhd v Tan Thein Chin [1986] 2 MLJ 107 (SC Civ App) .....	132
Inter Diam Pte Ltd v PJ Diamond Centre Sdn Bhd [2007] 7 MLJ 189 (Shah Alam HC) .....	132

Kang Chong Yeow, ex p Mivan Far East Sdn Bhd [2001] 3 MLJ 98 (Kuala Lumpur HC) .....	132
Megah Sakati Sdn Bhd v Oversea-Chinese Banking Corp [2005] MLJU 358 (Johor Bahru HC) .....	132
New Kok Ann Realty Sdn Bhd v Development & Commercial Bank Ltd New Hebrides [1987] 2 MLJ 57 (Kuala Lumpur SC).....	132
Overseas Chinese Banking Corp v Firm of Yaik Joo Ann [1936] MLJ 88 (HC) .....	131
Owners of Cargo Carried in the Ship Gang Chen v The Ship Gang Chen [1998] 6 MLJ 492; varying [1998] 6 MLJ 468 (Kuala Lumpur HC) .....	132
Popular Industries Ltd v Eastern Garment Manufacturing Sdn Bhd [1989] 3 MLJ 360 (Penang HC) .....	133
Prestige Manufacturing Sdn Bhd v Genericx Marketing Sdn Bhd [2001] MLJU 755 (Kuala Lumpur HC) .....	132
PT Anekapangan Dwitama v Far East Food Industries Sdn Bhd [1998] 7 MLJ 270 (Kuala Lumpur HC) .....	132
Suppiah (P), re [1989] 2 MLJ 479 (Johor Bahru HC) .....	132

## Netherlands

Coreck Maritime GmbH v Handelsveem BV [1999] IL Pr 721 (HR).....	186
--	-----

## New Zealand

ABC Shipbrokers v The Ship Offi Gloria [1993] 3 NZLR 576 (HC) .....	138
Air New Zealand Ltd v Nippon Credit Bank Ltd [1997] 1 NZLR 218 (CA).....	138
Airwork (NZ) Ltd v Vertical Flight Management Ltd [1999] 1 NZLR 641 (NZ) .....	138
ASB Securities Ltd v Geurts [2005] 1 NZLR 484 (HC) .....	138
Bolton v Marine Services Ltd [1996] 2 NZLR 15 (CA).....	138
Brintons Ltd v Feltex Furnishings of New Zealand Ltd (No 2) [1991] 2 NZLR 683 (HC) .....	138
Commonwealth Reserves I v Chodar [2001] 2 NZLR 374 (HC) .....	138
FXHT Fund Managers Ltd (in liquidation) v Oberholster [2009] NZHC 435.....	139
Gilrose Finance Ltd v Gould [2000] 2 NZLR 129 .....	45
Hada v Neal [2005] NZFLR 567 (HC).....	138
International Factors Marine (Singapore) Pte Ltd v The Ship Komtek II [1998] 2 NZLR 108 (HC) .....	138
Isaac Naylor and Sons Ltd v New Zealand Co-operative Wool Marketing Association Ltd [1981] 1 NZLR 361 (CA); [2001] 1 NZLR 513 (PC) .....	140–42, 177, 189–90
Marr v Arabco Traders Ltd (1987) 1 NZBLC 102 (HC) .....	138
Questnet Ltd v Lane [2008] NZAR 495 (HC) .....	138
Reeves v One World Challenge LLC [2006] 2 NZLR 184 (CA).....	138
Rochis Ltd v Chambers [2007] NZCA 479 .....	142
Scales Trading Ltd v Far Eastern Shipping Co [1999] 3 NZLR 26 (CA).....	139–40
Volk v Hirstlens (NZ) Ltd [1987] 1 NZLR 385 (HC).....	142
Yang v Ko [2007] NZHC 729.....	138

**Nigeria**

Erik Emborg Export A/S v Jos International Breweries plc [2003] 5 NWLR 505 (CA) .....	91
Metronex Nigeria Ltd v Griffen & George Ltd [1991] 1 NWLR 651 (HC) .....	91

**Papua New Guinea**

Vevehupa v Motor Vehicles (PNG) Trust [1983] PNGLR 343 (NCJ) .....	90
--	----

**Singapore**

Chinsim Trading (Pte) Ltd v Indian Bank [1993] 2 SLR 144 (HC) .....	131
Comboni Vincenzo v Shankar's Emporium (Pte) Ltd [2007] SGHC 55, [2007] 2 SLR 1020 (HC).....	130
Indo Commercial Society (Pte) Ltd v Ebrahim [1992] 2 SLR 1041, [1992] SGHC 230 (HC).....	131
Mohamed Yunus Valibhoy, ex p Bank of Credit and Commerce Hong Kong, re [1995] 1 SLR 601 .....	130
Ooi Han Sun v Bee Han Meng [1991] SLR 824, [1991] 3 MLJ 219 (HC) .....	130
Sarathi Co v The Vishva Pratibha [1980] 2 NLJ 265 (HC) .....	130
Tatung Electronics (S) Pte Ltd v Binatone International Ltd [1991] 1 SLR 204, [1991] 3 MLJ 212 (CA).....	130
Thai Kenaf Co v Keck Seng [1993] 2 SLR 92 (HC).....	131
TKM (Singapore) Pte Ltd v Export Credit Insurance Corp of Singapore [1993] 1 SLR 1041 (HC); aff'd sub nom Ecics Holdings Ltd v TKM Singapore Pte Ltd [1994] 2 SLR 137 (CA).....	130
Wardley Ltd v Tunku Adnan [1991] 1 SLR 721 (HC).....	130

**South Africa**

Barclays Bank of Swaziland v Mnyeketi 1992 (3) SA 425 (W) 435 .....	93
Eden v Pienaar 2001 (1) SA 158 (W).....	93
Elgin Brown and Hamer (Pty) Ltd v Dampskeibsselkabt Torm Ltd [1988] 4 SA 671 (N).....	93
Foti v Banque Nationale de Paris (No 1) (1989) 54 SASR 354 (SC) .....	126
Malilang v MV Houda Pearl 1986 (2) SA 714 (A) .....	93
Mediterranean Shipping Co Ltd v Speedwell Shipping Co Ltd [1989] 1 SALR 164 (D).....	93
Murata Machinery Ltd v Capelon Yarns (Pty) Ltd 1986 (4) SA 671 (C) .....	93
Radell v Multilateral Motor Vehicle Accident Fund 1995 (4) SA 24 (AD).....	93
Society of Lloyd's v Price; Society of Lloyd's v Lee [2006] SCA 87 .....	93
Standard Chartered Bank of Canada v Nedperm Bank Ltd 1994 (4) SA 747 (AD) .....	93–94
Voest Alpine Intertrading GmbH v Burwill and Co 1985 (92) SA 149 (W).....	93

**Tanzania**

Attorney General v Sisi Enterprises Ltd [2005] TZCA 2 (CA) .....	91
Transport Equipment Ltd v Valambhia 1993 TLR 91 (CA).....	91

## United Kingdom

Agenor, The <i>see</i> President of India v Taygetos Shipping Co SA	
Alberta Distillers Ltd v Matthew Gloag (Overseas) Ltd	
(unreported 23 December 1992) (OH) .....	98
Allianz Insurance Co Egypt v Aigaion [2008] EWHC 1127 (Comm), [2008] 2 Lloyd's Rep 595 .....	58
Amalgamated Investment & Property Co Ltd, re [1985] Ch 349 (Ch).....	54
Anderson v Equitable Assurance Society of the United States (1926) 134 Law Times 557 (CA) .....	19
Antiparos ENE v SK Shipping Co Ltd [2008] EWHC 1139 (Comm), [2008] 2 Lloyd's Rep 237 .....	58
Atlantic Star, The v The Bona Spes [1974] AC 436 (HL).....	16
Attorney General v Blake [2000] UKHL 45, [2001] 1 AC 268.....	53
Attorney General of Ghana v Texaco Overseas Tankships Ltd (The Texaco Melbourne) [1992] 1 Lloyd's Rep 303 (QB); [1993] 1 Lloyd's Rep 471 (CA); [1994] 1 Lloyd's Rep 473 (HL)..... 1–5, 30, 45–48, 50, 52–53, 83, 108, 139, 176, 213	
Attorney General of Zambia v Meer Care & Desai (a firm) [2007] EWHC 952 (Ch); rev'd [2008] EWCA Civ 754 .....	58
Baarn, The [1933] P 251 (CA).....	16, 48
Bagshaw v Playn (1594) Cro Eliz 536, 78 ER 783 (QB) .....	18
Bank of Scotland v Junior 1999 SCLR 284 (IH).....	98
Barclays Bank International Ltd v Levin Bros (Bradford) Ltd [1977] QB 270 (QB) .....	11, 15, 36–38, 60, 72, 90, 128
Barings plc v Coopers & Lybrand [2003] EWHC 2371 (Ch) .....	46, 48, 53
Barry v Van Den Hurk [1920] 2 KB 709 (KB) .....	19
Bhatia v Tribax Ltd 1994 SLT 1201 (OH) .....	98
BP Exploration Co Ltd v Hunt (No 2) [1979] 1 WLR 783 (QB); [1981] 1 WLR 232 (CA); [1983] 2 AC 352 (HL)..... 52–53	
Brackencroft Ltd v Silvers Marine Ltd 2006 SC 633 (IH) .....	98
British American Continental Bank Ltd, In re: Goldzieher and Penso's Claim [1922] 2 Ch 575 (CA) .....	19, 124
Camdex International Ltd v Bank of Zambia [1997] EWCA Civ 798, [1997] 1 All ER 728 .....	9, 15
Canadian Transport, The (1932) 43 Lloyd's List L Rep 409 (CA) .....	19
Candlewood Navigation Corp v Mitsui OSK Lines Ltd [1986] AC 1 (PC) .....	45
Caparo Industries v Dickman [1990] 1 All ER 568 (HL) .....	123
Carnegie v Giessen [2005] EWCA Civ 191, [2005] 1 WLR 2510.....	26
Celia (Owners) v SS Volturno (Owners) [1921] 2 AC 544 (HL) .....	19, 22, 29–30, 48–49, 89, 99–101, 150–52
Chaplin v Boys [1971] AC 356 (HL) .....	16
Chesterman's Trusts, re [1923] 2 Ch 466 (CA).....	19
China National Star Petroleum Co v Tor Drilling (UK) Ltd [2002] Scot CS 86 (OH) .....	98
Choice Investments v Jeromnimou [1981] QB 149 (CA).....	62
Cil v Owners of the Turiddu [1999] EWCA Civ 1705.....	58
Cohn v Boulken (1920) 36 TLR 767 (KB) .....	22
Commerzbank AG v Large 1977 SLT 219 (IH) .....	94–98

Contigroup Cos Inc v Glencore AG [2004] EWHC 2750 (Comm), [2005] 1 Lloyd's Rep 241 .....	58
Continuity Promotions Ltd v O'Connor's Nenagh Shopping Centre Ltd [2005] EWHC 3462 (QB).....	58
Cummings v London Bullion Co Ltd [1952] 1 KB 327 (CA).....	19
Czarnikow (C) Ltd v Koufos [1969] AC 361 (HL) .....	64
Despina R, <i>The see</i> Owners of the Eleftherotria v Owners of the Despina R Di Ferdinando v Simon, Smits & Co Ltd [1920] 3 KB 409 (CA).....	11, 19, 30, 35, 60, 69, 99
Dione, <i>The see</i> Food Corp of India v Carras (Hellas) Ltd	
Dodd Properties (Kent) Ltd v Canterbury City Council [1980] 1 WLR 433 (CA) .....	21
Dynamics Corp of America, re [1976] 1 WLR 757 (Ch) .....	54, 102, 126, 177
Emanuel v Symon [1908] 1 KB 302 (CA).....	196
Empresa Cubana Importadora de Alimentos v Octavia Shipping Co SA (The Kefalonia Wind) [1986] 1 Lloyd's Rep 273 (QB) .....	46
Federal Commerce & Navigation Co Ltd v Tradax Export SA (The Maratha Envoy) [1977] 1 Lloyd's Rep 217 (CA); [1978] AC 1 (HL).....	36–41, 131, 140, 203
Federal Huron, <i>The see</i> Société Française Bunge SA v Belcan NV	
Folias, <i>The</i> [1977] 1 Lloyd's Rep 39 (QB); [1979] QB 491 (CA) .....	36
Food Corp of India v Carras (Hellas) Ltd ( <i>The Dione</i> ) [1980] 2 Lloyd's Rep 577 (QB).....	44, 48
Fullemann v McInnes's Executors 1993 SLT 259 (OH) .....	98
Gater Assets Ltd v Nak Naftogaz Ukrainiy [2008] EWHC 1108 (Comm), [2008] 2 Lloyd's Rep 295 .....	58
George Veflings Rederi A/S v President of India [1978] 1 WLR 982 (QB); [1979] 1 WLR 59 (CA) .....	15, 37
Gloyne v Richardson [2002] EWCA Civ 166.....	53
Golden Strait Corp v Nippon Yusen Kubishika Kaisha [2007] UKHL 12, [2007] 2 AC 353 .....	21
Good Challenger Navegante SA v MetalExport Import SA [2003] EWCA Civ 1668, [2004] 1 Lloyd's Rep 67.....	58
Hadley v Baxendale (1854) 9 Ex 341 (Ex Ch).....	62, 64, 129
Halcyon the Great, <i>The</i> [1975] 1 WLR 515 (QB).....	25
Hawkins v Hawkins [1972] 1 Ch 714 (Ch).....	23, 76
Heiland Werres Diederichs v Flexiquip Hydraulics Ltd [2006] NIQB 100.....	58
Helmsing Schiffahrts GmbH & Co KG v Malta Drydocks Corp [1977] 2 Lloyd's Rep 444 (QB).....	56
Henry v Geoprosco International Ltd [1976] QB 726 (CA).....	196
Hoffman v Sofaer [1982] 1 WLR 1350 (QB).....	51, 93, 98, 165
Hyslops v Gordon (1824) 2 Shaw's Appeals 451 (HL) .....	95–97
International Minerals & Chemical Corp v Karl O Helm AG [1986] 1 Lloyd's Rep 81 (QB).....	63
Italia Express, <i>The see</i> Ventouris v Mountain	
Jean Kraut AG v Albany Fabrics Ltd [1977] QB 182 (QB) .....	35–36, 38–41
Johnson v Agnew [1980] AC 367 (HL) .....	21
Jugoslavenska Oceanska Plovidba v Castle Investment Co Inc [1974] QB 292 (CA) .....	23–25, 37, 88, 136, 163, 199