

Table of Cases

- Abbot Faritius (1111): 45
 Abbot Faritius v Robert Maledoit (1108) 2 Hist Mon Abingd 91 (Rec Com): 45
 Abbot of Grace Dieu v Anon (1306) YB 33-35 Edw, Rolls Series, 331 (CP) (B&M 277): 42
 Abbot of Lilleshal v Cole (1287) CP 40/69 m77d (B&M 231): 1
 Adams v Fisher 2 Keen 754 (48 ER 820): 150
 Agars v Lisle (1613) Hutt 10 (123 ER 1063) (Ct CP): 91
 AL Underwood Ltd v Bank of Liverpool and Martins [1924] 1 KB 775 (CA): 99
 Alderson v Temple (1768) 4 Burr 2235 (96 ER 384): 427
 Alexander v Southey (1821) 5 B & Ald 247, 248 (106 ER 1183): 90
 Alfred McAlpine Construction Ltd v Panatown Ltd (1998) 58 Con LR 46: 232
 Alicia Hosiery Ltd v Brown Shipley & Co [1970] 1 QB 195: 79
 Allgeneine Versicherungs-Gesellschaft Helvetia v Administrator of German Property [1931] 1 KB 672: 348
 Alsager v Close (1842) 10 M & W 576 (152 ER 600): 98
 AM & S Europe Ltd v Commissioner of the European Communities [1983] QB 878: 168, 169
 Amalgamated Television Services Pty Ltd v Marsden (1998) 43 NSWLR 158: 113
 Anderson v Bank of British Columbia (1876) 2 Ch D 644: 156-157, 159
 Andrews v Australia and New Zealand Banking Group Ltd (2012) 290 ALR 595: 45
 Anglo-African Merchants Ltd v Bayley [1970] 1 QB 311: 213
 Annlesley v Earl of Anglesea: 127, 160
 Anon (1304) YB 32 & 33 Edw I, Rolls Series: 3-4
 Anon (1313) YB 7 Edw II (Seldon, Vol XXXIX, 14) (B&M 340): 4
 Anon (1338) YB 11 & 12 Edw III, Rolls Series, 587 (CP) (B&M 254): 28
 Anon (1440) Mich 19 Hen VI (B&M 432): 13
 Anon (1458) YB Mich 37 Hen VI fo 8 pl 18 (CP) (B&M 263): 3-4, 13, 28, 33, 38, 42-43, 45, 47, 71-72, 75-77, 79, 81, 84-87, 110-111, 318, 372
 Anon (1510) Keil 160 pl 2 (72 ER 334 Ct CP): 71
 Anon YB T16 Ed II f 490 pl [14] Ct CP (1323): 72
 Anon YB H21 Ed IV f 74b-75a pl 6 Ct CP (1482): 72
 Anonymous (1454) 33 Hen VI, Hf 7, pl 23: 2, 7, 35, 139, 396
 Anthon v Fisher (1782) 3 Dougl 166 (99 ER 594): 282
 Appleton v Sweetapple (1782) 3 Doug 138 (99 ER 579): 270
 Armory v Delamirie (1722) 1 Str 505 (93 ER 664): 83
 Armsworth v South Eastern Railway (1847) 11 Jurist 758: 190
 Arnold v Jefferson (1697) 1 Ld Raym 275 (91 ER 1080); 2 Salk 654 pl 1 (91 ER 556): 82
 Arris v Stukely (1677) 2 Mod 260 (86 ER 1060): 373
 Atkins v Hill (1775) 1 Cowp 284, 288-289 (98 ER 1088, 1091): 274
 Attorney-General v Berkeley (1820) 2 Jac & W 291 (37 ER 639): 144
 Attorney-General v Blake [1998] Ch 439: 9
 Attorney-General v Manchester Corporation [1906] 1 Ch 643: 386
 Attorney-General (NT) v Maurice (1986) 161 CLR 475: 169
 Austen v Vesey (1577) Cary 63 (21 ER 34): 130
 Australian and New Zealand Banking Group Ltd v Westpac Banking Corporation (ANZ v Westpac) (1988) 164 CLR 662: 377, 383
 Australian Broadcasting Corporation v Lenah Game Meats Pty Ltd (2001) 208 CLR 199: 386
 Australian Capital Television Pty Ltd v Commonwealth (1992) 177 CLR 106: 351
 Australian Safeways Stores v Zaluzna (1987) 162 CLR 479: 186
 Australian Securities and Investments Commission v Australian Lending Centre Pty Ltd (No 2) (2011) 283 ALR 299: 171
 Bailey v Harrys (1507) 101 Selden Society 21: 109
 Bainbridge, Re; Ex parte Fletcher (1878) 8 Ch D 218: 353
 Baker v Bolton (1808) 1 Camp 493 (170 ER 1033): 180
 Baker v Campbell (1983) 153 CLR 52: 130, 167, 169, 171
 Balabel v Air India [1988] 1 Ch 317: 162
 Baldwin v Cole (1704) 6 Mod 212 (87 ER 964); 1 Holt KB 707 (90 ER 1290): 90, 102
 Baltic Shipping Co v Dillon (1993) 176 CLR 344: 250
 Bank of England v Morice (1737) 2 Bro PC 465 (1 ER 1068): 258
 Bank of England v Newman (1700) 1 Ld Raym 442: 320
 Bank of New South Wales v Laing [1954] AC 135, 154 (PC): 24
 Barbuitt's Case (1735) Cas T Talbot 281 (25 ER 77): 282
 Barnett v Lambert (1846) 15 M & W 489 (153 ER 942): 402

TABLE OF CASES

- Barr v Gibson (1838) 3 M & W 390 (150 ER 1196): 208-209
- Barry v Alexander (1784) 4 Doug 15 (99 ER 744): 262
- Barry v Robinson (1805) 1 Bos & Pul 294 (127 ER 475): 15
- Bartilmewe v Shragger (1498) KB 27/949, m4 (B&M 410): 11
- Barton's Coal Company v Reid (1858) 3 Macq 266 (111 RR 896): 179
- Bashford v Information Australia (Newsletters) Pty Ltd (2004) 218 CLR 366: 106
- Basset v Maynard (1601) 1 Rolle Abridg 105, Action sur Case, pl 5 (KB): 88
- Batis, The [1990] 1 Lloyds Rep 345: 252
- Bavins Jnr & Sims v London & South Western Bank Ltd [1900] 1 QB 270 (CA): 100-101
- Baxendale v Eastern Counties Railway Co (1858) 4 CB(NS) 63 (140 ER 1004): 204
- Bayliffe v Butterworth (1847) 1 Exch 425 (154 ER 181): 214
- Bayly v Harrys (1507) 101 Selden Society 21: 108
- Baynes v Lloyd [1895] 2 QB 610: 218
- Bearn, The [1906] P 48: 219
- Beatty v Brashes Pty Ltd [1998] 2 VR 201: 352
- Bell v Lever Brothers Ltd [1932] AC 161: 222
- Bellamy v Marjoribanks (1852) 7 Ex 389: 339
- Benbow v Low (1880) 16 Ch D 93: 154
- Bentzen v Taylor, Sons & Co (No 2) [1893] 2 QB 274: 217
- Berd v Lovelace (1577) Cary 62 (21 ER 33): 130
- Bergheim v Great Eastern Railway Co (1878) 3 CPD 221: 204
- Berry v Humm & Co [1915] 1 KB 627: 188
- Beswick v Beswick [1966] Ch 538: 18
- Beswick v Beswick [1968] AC 58: 18
- Bigge v Parkinson (1862) 31 LJ (Ex) 301: 208
- Biggs v Lawrence (1789) 3 TR 453 (100 ER 673): 280
- Bird v Holbrook (1828) 4 Bing 628: 67, 185
- Bishop de Sallowe's Case (1320-1321) Ryley's Placita Parliamentaria 408: 3
- Bishop v Viscountess Montague (1601) Cro Eliz 824 pl 1 (78 ER 1051): 88
- Bishop v Viscountess Montague (1604) Cro Jac 50 pl 21 (79 ER 42) (Ct CP): 88
- Blake v Lawrence (1802) 4 Esp 147: 321
- Blake v Midland Railway Co (1852) 18 QB 93 (118 ER 35): 188, 190
- Blandfield v Creare (1539) 101 Selden Society 60 (Mayor's Court of Exeter): 120
- Blank v Canada (Minister of Justice) [2006] 2 SCR 319: 157, 165
- Bligh v Benson (1819) 7 Price 205 (146 ER 948): 153
- Blight v Brent (1836) 2 Y & C Ex 268 (160 ER 397): 396
- Blois v Blois (1602) 2 Vent 347 (86 ER 478): 48
- Blundell v Winsor (1837) 8 Sim 601: 394
- Blyth v Birmingham Waterworks Co (1856) 11 Ex 781: 194, 200
- Boehm v Sterling (1797) 7 TR 423: 336-337
- Bofinger v Kingsway Group Ltd (2009) 239 CLR 269: 235
- Boghelegh v Edward (1320) 101 Selden Society 49: 120-121
- Bolton v Corporation of Liverpool (1833) 1 My & K 88 (39 ER 614): 148
- Bonds and Obligations (1667-1744) 1 Eq Ca Abr 84 (21 ER 896): 278
- Booth v Williams (1909) 9 SR (NSW) 421: 357
- Bostock v Jardine (1865) 34 LJ (NS) Ex 142: 214
- Boyd v Mirror Newspapers Ltd [1980] 2 NSWLR 449: 123
- Braddock v Bevins [1948] 1 KB 580: 124
- Brambles Holdings Ltd v Bathurst City Council (2001) 53 NSWLR 153: 251
- Brambles Security Services Ltd v Bi-Lo Pty Ltd [1992] Aust Torts Reports ¶181-161: 298
- Bramwell v Lucas (1824) 2 B & C 745 (156 ER 1265): 146-147
- Branley v South Eastern Railway Co (1862) 12 CB(NS) 63: 204
- Brannigan v Seafarers' International Union of Canada (1963) 42 DLR (2d) 249: 124
- Bree v Holbech (1781) 2 Dougl 655 (99 ER 415): 206
- Breen v Williams (1996) 186 CLR 71: 204
- Brewer Street Investments Ltd v Barclays Woollen Co Ltd [1954] 1 QB 428: 252
- Brian v Cockman (1634) Cro Car 322 (79 ER 881): 112
- Brice v Bannister (1878) 3 QBD 569: 345
- Bridge v Wain (1816) 1 Stark 504 (171 ER 543): 209
- Briggs v James Hardie & Co Pty Ltd (1989) 16 NSWLR 549: 408
- Broad v Pitt (1828) 3 Car & F 518 (172 ER 528): 146
- Bromley v Frazier (1722) 1 Str 441: 319
- Bromwich v Loyd (1698) 2 Lutw 1582: 315
- Brough v Parkings (1703) 2 Ld Raym 992: 317
- Brown v Boorman (1844) 11 Cl & F 1: 178
- Brown v Collins 53 NH 442 NH (1873): 191, 192
- Brown v Edgington (1841) 2 Man & G 279 (133 ER 751): 208
- Browne v Flower [1911] 1 Ch 219: 205
- Browning v Morris (1778) 2 Cowp 790 (98 ER 1364): 281
- Buckeridge v Ingram (1795) 2 Ves Jun 652 (30 ER 824): 396
- Buckle v Knoop (1867) LR 2 Ex 125: 214
- Buckley v Wood (1591) 4 Co Rep 14b (76 ER 888): 114
- Bukton v Tounsende (Humber Ferry Case) (1348) 2 Lib Ass pl 41 (B&M 399): 9, 11, 55-56, 239, 373
- Buller v Harrison (1777) 2 Cowp 566: 376
- Bullivant v Attorney-General (Vic) [1901] AC 196: 137
- Bulstrode v Letchmere (1676) 2 Freeman 5 (22 ER 1019): 133

TABLE OF CASES

- Bunbury v Bunbury (1839) 2 Beav 173 (48 ER 1146): 150
- Bunnings Group Ltd v CHEP Australia Ltd [2011] NSWCA 342: 95
- Bunyan v Jordan (1937) 57 CLR 1: 175, 189
- Burchfield v Moore (1854) 23 LJ QB 261: 321
- Burrows v Knightley (1987) 10 NSWLR 651: 106
- Burton v Davy (1437) reprinted in 49 Selden Society, *Select Cases Concerning the Law Merchant III*, 117 (1932): 309-312
- Bushel v Miller (1718) 1 Str 128 (93 ER 428): 89
- Butcher v Smalegrave (1291) 101 Selden Society 39: 120
- Bychemore v Sanguyner (1332) 101 Selden Society 53: 120-121
- Byrne v Australian Airlines Ltd (1995) 185 CLR 410: 231
- Byrne v Boadle [1863] EngR 1012; (1863) 9 LT 450: 192
- Byrnes v Barry (2003) 151 ACTR 1: 125
- Cable v Sinclair [1788] NSWKR 7: 94
- Cadbury Schweppes Pty Ltd v Amcor Ltd (2008) 246 ALR 137: 165
- Cairns v John Fairfax & Sons Ltd [1983] 2 NSWLR 708: 123
- Calliope, The (1889) 14 PD 138; [1891] AC 11: 220
- Caltex Oil (Australia) Pty Ltd v The Dredge "Willemstad" (1976) 136 CLR 529: 183
- Calwodeleg v John (The Case of the Silver Cups) (1479) YB H18 Ed IV f 23a-b pl 5 Ct CP (B&M 578): 77-78, 86-87, 89, 92
- Campbells Cash and Carry Pty Ltd v Fostif Pty Ltd (2006) 229 CLR 386: 361
- Cannan v Bryce (1819) 3 B & Ald 179 (106 ER 628): 279
- Carles v Malpus YB T33 Hen VI f 26b-27a pl 12 Ct CP (1455): 76
- Carlill v Carbolic Smoke Ball Co [1893] 1 QB 256: 219
- Carpmael v Powis (1846) 1 Ph 687 (41 ER 794): 152, 162
- Carrier v Bonham [2002] 1 Qd R 474: 175
- Carrier's Case, Anon v Sheriff of London YB P13 Edw IV f 9 pl 5 (1473): 86
- Carter v Boehm (1766) 3 Burr 1905 (97 ER 1162); (1746-1779) 1 Black W 593 (96 ER 342): 232, 268
- Carter v Managing Partner, Northmore Hale Davey & Leake (1995) 183 CLR 121: 169
- Cary v Stafford (1725) Amb 520 (27 ER 336): 280
- Case of the Cloth of Gold, The (see Choke J's account in 1479 YB 18 Edw IV, f 23, pl 5): 78, 87
- Castlemaine Tooheys Ltd v Carlton & United Breweries Ltd (1987) 10 NSWLR 468: 231
- Cattanach v Melchior (2003) 215 CLR 1: 199
- Cavalier v Pope [1906] AC 428: 186-187
- Chancellor of the University of Oxford v Bishop of Coventry and Litchfield (1614) 10 Co Rep 53b (77 ER 1006): 90
- Chandelor v Lopus (1603) Cro Jac 4 (79 ER 3): 206
- Chandler v Webster [1904] 1 KB 493: 250-251
- Channel Seven Sydney Pty Ltd v Fierravanti-Wells (2011) 283 ALR 178: 125
- Chanter v Hopkins (1838) 4 M & W 399 (150 ER 1484): 208
- Chaplain v Shepherd (1315) 101 Selden Society 46: 120-121
- Chartered Bank of India, Australia and China v Rich (1863) 4 B & S 73 (122 ER 387): 156
- Chester v Waverley Corporation (1939) 62 CLR 1: 188-189
- Chief Constable of the Greater Manchester Police v Wigan Athletic AFC Ltd [2009] 1 WLR 1580: 253
- Chinery v Vial (1860) 5 H & N 288 (157 ER 1192): 72
- Chowde v Steynour (1403) 101 Selden Society 58: 121
- Christiansen v Gilday (1948) 48 SR (NSW) 352: 281
- Churchward v R (1865) LR 1 QB 173: 217
- Churton v Frewen (1865) 2 Dr & SM 390 (62 ER 669): 161
- City of London v Goree (1677) 3 Keble 677 (84 ER 947): 245
- City of London v Wood (1701) 12 Mod 669 (88 ER 1592): 2
- City of York v Toun (1700) Fifoot, History and Sources, 364-365: 245
- Clagett v Phillips (1842) 2 Y & CCC 82 (63 ER 36): 148
- Clark v Clark (1830) 1 M & Rob 3 (174 ER 2): 146-147
- Clarke v Pigot (1699) 1 Salk 126: 317
- Clarke v Shee (1774) 1 Cowp 197 (98 ER 1041): 274
- Claxton v Swift (1685) 1 Lutw 878: 318
- Clayton v Le Roy [1911] 2 KB 1031: 73
- Clegg v Edmondson (1857) 8 De GM & G 787 (44 ER 593): 370
- Coggs v Bernard (1703) 2 Ld Raym 909 (92 ER 107): 9, 11, 181, 204, 219
- Coleman Engineering Company Inc v North American Aviation Inc 420 P 2d 713 (1966): 252
- Coleman v John Fairfax Publications Pty Ltd [2003] NSWSC 564: 123
- Coleman v Trueman (1858) 3 H & N 871 (157 ER 720): 156
- Collett v London and North Western Railway (1851) 16 QB 984 (117 ER 158): 181
- Colonial Bank v Whinney (1885-86) 30 Ch D 261; 11 AC 426; 11 App Cas 426: 345, 347-348, 350-351
- Colonial Mutual Life Assurance Society Ltd v Producers and Citizens Co-operative Assurance Co of Australia Ltd (1931) 46 CLR 41: 375, 380-382
- Commissioner for Railways v Quinlan [1964] AC 1054: 186

TABLE OF CASES

- Commissioner for Railways (NSW) v Anderson (1961) 105 CLR 42: 186
- Commissioner of Australian Federal Police v Propend Finance Pty Limited (1997) 188 CLR 501: 137, 169
- Commissioner of Stamp Duties (NSW) v Yeend (1929) 43 CLR 235: 351
- Commissioner of Taxation *see* FCT
- Compania Colombiana de Seguros v Pacific Steam Navigation Co [1965] 1 QB 101: 346
- Complete Technology Pty Ltd v Toshiba (Australia) Pty Ltd (1994) 53 FCR 125: 165
- Comptoir Commercial Anversois, In re v Power Son & Co [1920] 1 KB 868: 222, 228
- Consolidated Co v Curtis & Son [1892] 1 QB 495: 102
- Consolidated Goldfields of South Africa v E Spiegel & Co (1909) 100 LT 351: 222
- Consolidated Trust Co Ltd v Browne (1948) 49 SR (NSW) 86: 108-109
- Cooke v Midland Great Western Railway of Ireland [1909] AC 229: 186
- Coombe v Coombe (1881) 71 LT 181: 189
- Cooper v Chitty (1756) 1 Burr 20 (97 ER 166); 1 Keny 395 (96 ER 1033): 85, 93-94
- Corin v Patton (1990) 169 CLR 540: 360
- Cotting v Ward (1418) 101 Selden Society 12: 109
- Coulls v Bagot's Executor and Trustee Company Ltd (1967) 119 CLR 460: 18
- Countess of Westmoreland v Earl of Westmoreland (1564) Monro 348: 131
- County Hotel & Wine Company Ltd v London & North Western Railway Co [1918] 2 KB 251: 346
- Cowdy v Thomas (1877) 36 LT (NS) 22: 209
- Cox v Prentice (1815) 3 M & S 344 (105 ER 641): 206, 376
- Creed v Trap (1578) Choyce Cases 121 (21 ER 74): 130
- Crittall v Horner (1618) Hob 219 (80 ER 366): 112
- Crofts v Brown (1616) 3 Bulst 167 (81 ER 141): 113
- Cromack v Heathcote (1820) 2 Brod & B 4 (129 ER 857): 147
- Crook v Jadis (1834) 5 B & Ad 909: 321
- Cropper v Cook (1868) LR 3 CP 194: 214
- Cross v Denley (1952) 52 SR (NSW) 112: 124
- Crosse v Gardner (1689) Carth 90; 1 Show 68 (90 ER 656): 207
- Crouch v Credit Foncier of England Ltd (1873) LR 8 QB 374: 314, 360
- Cucko v Starre (1633) Cro Car 285 (79 ER 850): 112
- Curling v Perring (1835) 2 My & K 380 (39 ER 989): 154-156
- Curteys v Poyfof (1289) 101 Selden Society 38: 121
- Cutts v Armiger (1585) Monro 544: 130
- Da Costa v Jones (1778) 2 Cowp 729 (98 ER 1331): 280
- Dacres v Lord Dacre (1564) Monro 353: 131
- Daily Examiner Pty Ltd v Mundine [2011] NSWCA 126: 123
- Dale v Humphrey (1858) El, Bl & El 1004 (120 ER 783): 212
- Dale v Sollet (1767) 4 Burr 2133 (98 ER 112): 274, 376
- Dale's Case (1585) Cro Eliz 44 (78 ER 308): 206
- Dalleagles Pty Ltd v Australian Securities Commission (1991) 4 WAR 325: 162
- Dalston v Janson (1696) 1 Salk 10 (91 ER 9): 273
- Dalton v Heydon (1632): 116
- Daniel v Metropolitan Railway Company (1871) LR 5 HL 45: 190
- Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission (2002) 213 CLR 543: 128, 163-164, 166, 169, 172
- Danowski v Henry Moore Foundation (The Times, 19 March 1996, EWCA): 216
- Dashwood v Magniac [1891] 3 Ch 306: 212
- Davies v Gardiner (1593) Pop 36 (79 ER 1155): 112
- Davis Contractors Ltd v Fareham UDC [1956] AC 696: 209
- Dawson v Great Northern and City Railway Co [1905] 1 KB 260: 346
- Day v Edwards (1794) 5 TR 648: 64
- De Hahn v Hartley (1786) 1 TR 343 (99 ER 1130): 268
- De la Courtier v Bellamy (1680) 2 Show KB 422: 316
- De Libellis Famosis (1605) 5 Co Rep 125 (77 ER 250): 116
- Dean of Wells (1171/72) (18 Hen II) Madox Hist Exchq 389: 47
- Dee v Bacon (1595) Cro Eliz 435 (78 ER 676) (QB): 91
- Dee Trading Co Pty Ltd v Baldwin [1938] VLR 173: 96
- Degg v MR Co (1857) 1 H & N 773: 195
- Denison v Ralphson (1682) 1 Vent 365 (86 ER 235): 206
- Dennis v Codrington (1579) Cary 100 (21 ER 53): 130
- Derry v Peek (1889) 14 AC 337: 15, 206, 409
- Descoteaux v Mierzwinski (1982) 136 DLR (3d) 292: 168
- Dingle v Associated Newspapers [1964] AC 371: 125
- Dingle v Commonwealth Development Bank of Australia (1989) 23 FCR 63: 165
- Doige's Case (1442) YB 20 Hen VI: 206
- Donne v Cornwall (1486) Pas 1 Hen VII, fo 14, pl 2 (B&M 283): 43-44
- Donoghue v Stevenson [1932] AC 562: 12, 65, 174, 177, 183-184, 197-198
- Dow Jones & Co Inc v Gutnick (2002) 210 CLR 575: 108, 112
- DSE (Holdings) Pty Ltd v InterTAN Inc (2003) 135 FCR 151: 162

TABLE OF CASES

- Du Barré v Livette (1791) Peake 107 (170 ER 96): 142
- Duchess of Kingston's Case (1776) 1 Leach 146 (168 ER 175): 127, 139, 143
- Duke of Exeter v Smyth (Baker, Introduction, 437 n 10): 117
- Duke of Gloucester v Clere (Baker, Introduction, 437 n 10): 117
- Duke of Schomberg v Murrey (1700) Holt KB 640 (90 ER 1254): 119
- Duke of York v Oates (1684) 10 State Trials 125: 119
- Duke of York v Pilkington (1682) Skinner 71 (90 ER 34): 119
- Dulieu v White & Sons [1901] 2 KB 669: 189
- Dunlop Pneumatic Tyre Co Ltd v Selfridge & Co Ltd [1915] AC 847: 18
- Dunman v Weldon (1329) YB Eyre of Northamptonshire, Selden Society, Vol 97, 476 (B&M 233): 33
- Durham Bros v Robertson [1898] 1 QB 765: 361
- Duvergier v Fellows (1828) 5 Bing 248: 394-395
- Eaglechild's Case (1631) Hetley 167: 315
- Earhart v William Low Co 600 P 2d 1344 (1979): 252
- Earl of Darlington v Pulteney (1775) 1 Cowp 260 (98 ER 1075): 263
- Earl of Lincoln v Roughton (1608) Cro Jac 196 (79 ER 171): 118
- Earl of Peterborough v Mordant (1669) 1 Ven 160 (86 ER 42): 118
- Earl of Sandwich v Miller (1773) Lofft 210 (98 ER 614): 119
- Earl of Shaftesbury v Lord Digby (1676) 3 Keble 631 (84 ER 920): 119
- Earl of Suffolk v Grenville (1632): 116, 118
- Earle's Shipbuilding and Engineering Company v Atlantic Transport Company (1899) 43 Sol Jo 691: 346
- Eason v Newman (1596) B&M 590-591: 85, 89
- Easton v Hitchcock [1912] 1 KB 535: 221
- Eaton v Jaques (1780) 2 Doug 455 (99 ER 290): 263
- Eden v Parkison (1781) 1 Doug 732 (99 ER 468): 268
- Edie v East India Company (1761) 2 Burr 1216 (97 ER 797); (1746-1779) 1 Black W 295 (96 ER 166): 212, 267
- Edward v Bates (1844) 7 Man & G 590 (135 ER 238): 22, 48
- Edwards v Ousley (1606) Cro Jac 150 (79 ER 132): 111
- EE Brian Smith (1928) Ltd v Wheatsheaf Mills Ltd [1939] 2 KB 302: 212
- Egles v Vale (1603) Cro Jac 69 (79 ER 59): 22, 245
- Eichholz v Bannister (1864) 17 CB(NS) 708 (144 ER 284): 207
- Ellis v Torrington [1920] 1 KB 399: 346
- Emmert v Matthews (1862) 31 LJ (Ex) 139: 208
- Equuscorp Pty Ltd v Haxton [2012] HCA 7; 286 ALR 12: 344, 361, 363
- Eso Australia Resources Ltd v Federal Commissioner of Taxation (1999) 201 CLR 49: 163, 169, 171
- Eso Australia Resources Ltd v Plowman (1995) 183 CLR 10: 231
- Esthall's Case (1313) Selden Society, Vol 27, 19: 42
- Etriche v An Officer of the Revenue (1720) Bunbury 67 (145 ER 597): 91
- Ex officio c Hancock (1464) 101 Selden Society 16: 108
- Exall v Partridge (1799) 8 TR 308 (101 ER 1405): 246
- Faccenda Chicken Ltd v Fowler [1987] Ch 117: 205
- Faikney v Reynous (1767) 4 Burr 2069 (98 ER 79); 1 Black W 633 (96 ER 366): 279
- Farah Constructions Pty Ltd v Say-Dee Pty Ltd (2007) 230 CLR 89: 235
- Farquhar v Bottom [1980] 2 NSWLR 380: 113
- Farrier's Case (1372) YB Trin 46 Edw III, fo 19, pl 19 (B&M 384): 10
- Farwell v Boston and Worcester Railroad (1842) 4 Metc 49: 179
- FCT v Everett (1980) 143 CLR 440: 353
- Fenn v Harrison (1790) 3 TR 757: 320
- Ferur v Leech (1287) 101 Selden Society 36: 121
- Fibrosa Spolka Akcyjna v Fairbairn Lawson Combe Barbour Ltd [1943] AC 32: 234, 248, 251, 275
- Field v Nationwide News Pty Ltd [2009] NSWSC 1285: 123
- Fine Art Society v Union Bank of London (1886) LR 17 QBD 705: 102
- Fitch v Rowling (1795) 2 Hy Bl 393 (126 ER 614): 210
- Fitzherbert v Mather (1785) 1 TR 12 (99 ER 944): 268
- Fitzroy v Cave [1905] 2 KB 364: 350, 354, 358
- Flight v Robinson (1844) 8 Beav 22 (50 ER 9): 150-151
- Florence, Re, Ex parte Wingfield (1879) 10 ChD 591: 214
- Fontans v Clover (1507) 101 Selden Society 20: 108-109
- Ford v Tennant (No 2) (1863) 32 Beav 162 (55 ER 63): 148
- Forse v Whytton (1518) 101 Selden Society 25: 108-109
- Fouldes v Willoughby (1849) 8 M & W 540 (151 ER 1153): 89
- Francis v Cockrell (1890) LR 5 QB 501: 185
- Franklin v South Eastern Railway (1858) 157 ER 448: 188, 190
- Franssey's Case (1294) YB 21 & 22 Edw 1, Roll Series, 599 (B&M 250): 37, 43
- French (L) and Co Ltd v Leeston Shipping Co Ltd [1922] 1 AC 451: 225
- Friend v Brooker (2009) 239 CLR 129: 235
- Frith v Mitchell (1865) 4 F & F 464 (176 ER 647): 209
- Fydell v Clark (1796) 1 Esp 447: 320

TABLE OF CASES

- Gabay v Lloyd (1825) 3 B & C 793 (107 ER 927): 214
- Gacic v John Fairfax Publications Pty Ltd [2011] NSWCA 362: 123
- Gallyard v Archer (1589) LI MS Misc 791 f 113 (B&M 589): 93
- Gardiner v Gray (1815) 4 Camp 144 (171 ER 46): 208, 217
- Gardiner v John Fairfax & Sons Pty Ltd (1942) 42 SR (NSW) 171: 109, 123
- Gardner v Irvin (1878) 4 Ex D 49: 162
- Gautret v Egerton (1867) LR 2 CP 371: 185
- General & Finance Facilities Ltd v Cooke Cars (Romford) Ltd [1963] 1 WLR 644 (CA): 79
- Geo Thompson (Aust) Pty Ltd v Vittadello [1978] VR 199: 348
- George v Skivington (1869) LR 5 Exch 1 (39 LJ Ex 8): 176-177, 181, 183-184, 187
- Gibbon v Pepper (1695) B&M 335: 59
- Gill v Cubitt (1824) 3 B & C 466: 321
- Gillard v Lancashire and Yorkshire Railway (1849) 12 LT 356: 188, 190
- Gladwell v Steggall (1839) 5 Bing NC 733 (132 ER 1283): 182
- Glaston v Abbot of Crowland (1330) Selden Society, Vol 98, 665 (B&M 278): 42
- Glegg v Legh (1819) 4 Madd 192 (56 ER 678): 144
- Glyn v Caulfeild (1851) 3 Mac & G 463: 161
- Gobbet's Case (1634) Cro Car 340 (79 ER 897): 112
- Goldberg v Ng (1995) 185 CLR 83: 169
- Goldings' Case (1586) 2 Leon 71 (74 ER 367): 16
- Goldsbrough Mort & Co Ltd v Tolson (1909) 10 CLR 470: 352
- Gomersall v Medgate (1610) Yelv 194 (80 ER 128): 93
- Gompertz v Bartlett (1853) 23 LJ QB 65: 320
- Goodman v Harvey (1836) 4 Ad & E 870: 322
- Goodwin v Roberts (1875) LR 10 Ex 337: 212
- Gordon v Harper (1796) 7 TR 9 (101 ER 828): 83
- Gore v Bowser (1851) 5 De G & Sm 30 (64 ER 1004): 148
- Goscelyn v Baker (1324) 101 Selden Society 50: 121
- Grant v Downs (1976) 135 CLR 674: 163, 169
- Grant v Vaughan (1764) 3 Burr 1516 (97 ER 957): 212, 267, 319, 336
- Grassby v R (1992) 62 A Crim R 351: 125
- Gray v Archdeacon of Buckingham (1290) 101 Selden Society 1: 108
- Gray v Motor Accident Commission (1998) 196 CLR 1: 175
- Gray v Thames Trains Ltd [2009] 1 AC 1339: 281
- Great Lakes Steamship Co v Maple Leaf Milling Company Ltd (1924) 41 TLR 21: 219
- Great-West Life & Annuity Insurance Co v Knudson 534 US 204 (2001): 275
- Greenlaw v King (1838) 1 Beav 137 (48 ER 891): 150
- Greenough v Gaskell (1833) 1 My & K 98 (39 ER 618): 147-148, 154, 161, 168
- Greenwood's Case (1854) 3 De GM & G 459 (43 ER 180): 402
- Grewes v Brodehouse (1416) 101 Selden Society 11: 109
- Griffin v Weatherby (1868) LR 3 QB 753: 358-359
- Griffith v Morison (1583) Cro Eliz 27 (78 ER 282): 111
- Grill v General Iron Screw Collier Co (1866) LR 1 CP 600: 194
- Grissell v Bristowe (1868) LR 3 CP 112; LR 4 CP 36: 213-214
- Groenvelt's Case (1697) 1 Lord Raym 214 (91 ER 1038): 182
- GSA Group Pty Ltd v Siebe plc (1993) 30 NSWLR 573: 233
- Guichard v Roberts (1763) 1 Black W 445 (96 ER 255): 278-279
- Gumbleton v Grafton (1600) Cro Eliz 781 (78 ER 1011) (B&M 582-583): 84, 94
- Gypsy Fire v Truth Newspapers Pty Ltd (1987) 9 NSWLR 382: 125
- Habib v Nationwide News Pty Ltd (2010) 76 NSWLR 299: 123
- Hackshaw v Shaw (1984) 155 CLR 614: 185
- Hadley v Baxendale (1854) 9 Exch 341 (156 ER 145): 25, 49
- Hall v Brooklands Club [1933] 1 KB 205: 194
- Hall v Haydon (1556) 101 Selden Society 29: 109
- Hall v Walland (1621) Cro Jac 618 (79 ER 528): 244
- Hallett v Dowdall (1852) 21 LJ QB 98: 402
- Hambrook v Stokes Bros [1925] 1 KB 141: 189
- Hamlyn & Co v Wood & Co [1891] 2 QB 488: 218, 220, 223
- Hammond v Messenger (1838) 9 Sim 327 (59 ER 383): 360
- Harmer v Cornelius (1858) 5 CB(NS) 236 (141 ER 94): 204
- Harrison v Gardner (1817) 2 Madd 198 (56 ER 308): 205
- Hartford v Jones (1698) 1 Ld Raym 393 (91 ER 1161): 93
- Hartford v Lee (1577) Cary 63 (21 ER 34): 130
- Hatch v Bourgh (1383) 101 Selden Society 57: 121
- Hauley v Sidenham (1571) 3 Dyer 317 (73 ER 719): 111
- Havers v Randoll (1581) Choyce Cases 149 (21 ER 88): 131
- Hawkyns v Holeherst (1507) 101 Selden Society 19: 109
- Haydon v Raggeland, 116 Selden Society (ed Baker) 608 (Caryll) (B&M 581): 86-87
- Hayward v Davenport (1697) Comb 426 (90 ER 569): 21
- Heathfield v Chilton (1767) 4 Burr 2015 (98 ER 5): 282

TABLE OF CASES

- Heaven v Pender (1883) 11 QBD 503: 177, 196-197
- Hedley Byrne & Co Ltd v Heller & Partners Ltd [1964] AC 465: 12, 174, 199
- Henkle v Royal Exchange Commission (1749) 1 Ves Sen 317 (27 ER 1055): 278
- Henry v Eagar [1821] NSWKR 11: 94
- Herbert v Lownds (1627-1628) 1 Chan Rep 22: 331
- Herring v Clobbery (1842) 1 Ph 91 (41 ER 565): 151-152, 161
- Herrington v British Railways Board [1972] AC 877: 185
- Hext v Yeomans (1585) 4 Co Rep 15b (76 ER 893): 113
- Heylyn v Adamson (1758) 2 Burr 674 (97 ER 503): 265-266
- Hickman v Taylor 329 US 495 (1947): 157
- Hill v Chief Constable of West Yorkshire [1989] AC 53: 199
- Hill v Church of Scientology [1995] 2 SCR 1130: 106
- Hinton's Case (1682) 2 Show KB 235: 319
- Hiort v London and North-Western Railway Company (1879) 4 Ex D 188: 103
- Hoare v Dawes (1780) 1 Douglas 371 (99 ER 239): 397
- Hoath v Connect Internet Services [2006] NSWSC 158; 69 IPR 62: 101, 104
- Hobe v White (1585) Monro 545: 132
- Hochster v De La Tour (1853) 2 E & B 678 (118 ER 922): 74
- Hoggan v Wardlow (1734) 8 Bro PC 281 (3 ER 584): 257
- Holding v Pigott (1831) 7 Bing 465 (131 ER 180): 212
- Hollins v Fowler (1875) LR 7 HL 757: 102
- Hollis v Vabu Pty Ltd (2001) 207 CLR 21: 382
- Holman v Johnson (1775) 1 Cowp 341 (98 ER 1120): 278, 282
- Holt v Astgrigg (1607) Cro Jac 184 (79 ER 161): 113
- Holt v Ely (1853) 1 E & B 795: 375
- Holt v Heatherfield Trust Ltd [1942] 2 KB 1: 360
- Holt v Markham [1923] 1 KB 504: 250, 287
- Home Office v Wainwright [2002] QB 1334: 67
- Horlock v Beal [1916] 1 AC 486: 212
- Horton v Bott (1857) 2 H & N 254 (157 ER 104): 155
- Hospital Products Ltd v United States Surgical Corporation (Hospital Products v USSC) (1984) 156 CLR 41: 377-378
- Howie v Smyth (1513) 101 Selden Society 23: 109
- Huggins, Re (1882) 21 Ch D 85: 345, 349, 352
- Hughes v Biddulph (1827) 4 Russ 190 (38 ER 777): 145, 148
- Hughes v Hughes (1862) 1 SCR (NSW) 214: 195
- Hughes v Rowbotham (1592) Popham 30 (79 ER 1150): 21
- Hughes Aircraft Systems International v Airservices Australia (1997) 146 ALR 1: 233
- Hunt v North (1537) 101 Selden Society 27: 108, 109
- Hutchinson v York, Newcastle and Berwick Railway (1850) 5 Ex 342 (155 ER 150): 179
- Hutton v Thompson (1851) 3 HLC 161 (10 ER 61): 402
- Hutton v Warren (1836) 1 M & W 466: 214
- Hylton v Malyng (1287) 101 Selden Society 36: 121
- Imperial Group Pension Trust Ltd v Imperial Tobacco Ltd [1991] IRLR 66: 233
- Indermaur v Dames (1866) LR 1 CP 274, LR 2 CP 318: 185
- Ingot Capital Investments Pty Ltd v Macquarie Equity Capital Markets (2006) 67 NSWLR 91: 165
- Ingram v Knowles (1593) 101 Selden Society 10: 108, 110
- International Harvester Co of Australia Pty Ltd v Carrigan's Hazeldene Pastoral Co (1958) 100 CLR 644: 366
- Investors Compensation Scheme Ltd v West Bromwich Building Society [1998] 1 WLR 896: 349, 351-352
- Isaack v Clark (1614) 2 Bulst 306 (80 ER 1143); 1 Rolle Rep 59 (81 ER 326): 84, 86, 90-93
- Israel v Etheridge (1721) Bunbury 80 (145 ER 602): 91
- Jackson v Piggot (1698) 1 Ld Raym 364: 316
- Jackson v Rogers (1684) 2 Show 327 (89 ER 968): 204
- Jaensch v Coffey (1984) 155 CLR 549: 12
- James v Harmon (1514) 101 Selden Society 24: 108-109
- James v Rutlech (1599) 4 Co Rep 17a (76 ER 900): 112-113
- Jefferyes v Dowse (1594) Monro 654: 132
- Jendwine v Slade (1797) 1 Esp 572 (170 ER 459): 206
- Jestons v Brooke (1778) 2 Cowp 793 (98 ER 1365): 274
- John Fairfax Publications Pty Ltd v O'Shane [2005] NSWCA 164: 123
- John Fairfax Publications Pty Ltd v Rivkin [2003] HCA 50: 124
- Johnson v Perez (1988) 166 CLR 351: 12
- Johnson v Roper (1531) 101 Selden Society 26: 108
- Johnston v Sutton (1779) 1 Doug 254 (99 ER 166): 280
- Jones v Bartlett (2000) 205 CLR 166: 187
- Jones v Bright (1829) 5 Bing 533 (130 ER 1167): 208
- Jones v Canavan [1972] 2 NSWLR 236: 378
- Jones v Just (1868) LR 3 QB 197: 208
- Jones v Skelton (1963) 63 SR (NSW) 644: 113
- Jordan v Jordan (1594) Cro Eliz 369 (78 ER 616): 18
- Jordan's Case (1528) Fifoot, History and Sources, 353-355: 242
- Josceline v Lassere (1714) Fortescue 281: 319

TABLE OF CASES

- Josling v Kingsford (1863) 13 CB(NS) 447 (143 ER 177): 209
- Keene v Beard (1860) 8 CB (NS) 372: 336-337
- Kelly v Cooper [1993] AC 205: 378
- Kelly v Metropolitan Railway Company [1895] 1 QB 944: 179
- Kelway v Kelway (1579) Cary 68 (21 ER 47): 131
- Kemp v Housgoe (1605) Cro Jac 90 (79 ER 77): 111
- Kennedy v De Trafford [1897] AC 180: 375
- Kent v Whitby (1738) 3 Bro PC 487 (1 ER 1451): 258
- Kerr v Gillespie (1844) 7 Beav 572 (49 ER 1188): 150
- Kinaston v Moor (1626) Cro Car 89 (79 ER 678) (Ex Ch) (B&M 598): 84
- Kinder v Taylor (1825) 3 LJ Ch 68: 392, 394
- King v Lake (1667) 1 Saund 131 (85 ER 137): 114
- King v Shore (1602) Cro Eliz 914 (78 ER 1135): 111
- King v Twine (1607) Cro Jac 179 (79 ER 156): 357
- King v Victoria Insurance Co Ltd (1895) 6 QLJ 202 ([1896] AC 250): 364
- King v Williams (1824) 107 ER 483: 236
- Kingwell v Taylor (1559) 101 Selden Society 8: 108-110
- Kleinwort Benson Australia Ltd v Crowl (1988) 165 CLR 71: 460
- L (A Minor) (Police Investigation: Privilege), In re [1997] AC 16: 165
- L French & Co Ltd v Leeston Shipping Co Ltd [1922] 1 AC 451: 221
- L'Estrange v L'Estrange (1850) 13 Beav 281 (51 ER 108): 360
- La Neuville v Nourse (1813) 3 Camp 351 (170 ER 1407): 207
- La Zuche v Rokeny (1297) CP 40/116 m 114 (B&M 250): 40
- Lafone v Falkland Islands Company (No 1) (1857) 4 K & J 34 (70 ER 14): 155
- Laing v Fidgeon (1815) 6 Taunt 108 (128 ER 974): 208
- Laing v Stone (1828) 2 Man & Ry 561: 321
- Lamb v Evans [1893] 1 Ch 218: 205, 220
- Lambert v Pack (1700) 1 Salk 127: 319
- Lamine v Dorrell (1705) 2 Ld Raym 1216 (92 ER 303): 246
- Langridge v Levy (1837) 2 M & W 519 (150 ER 863): 177, 187
- Lanphier v Phipos (1838) 8 C & P 475 (173 ER 581): 182-183, 204
- Lawrence v Campbell (1859) 4 Drewry 485 (62 ER 186): 144, 163
- Lawrence v Wilcok (1840) 11 Ad & E 941 (113 ER 672): 22
- Le Lievre v Gould [1893] 1 QB 491: 197
- Le Mason v Dixon (1628) W Jones 173 (82 ER 92): 273
- Leame v Bray (1803) 3 East 593: 64
- Lee v Markham (1579) Monro 375: 129, 131
- Legard v Foot (1673) Rep Temp Finch 82 (23 ER 44): 132
- Legate v Pinchon (1612) in Fifoot, History and Sources, 374-376: 243
- Lepore v New South Wales, Samin and Rich v Queensland (2003) 212 CLR 511: 174
- Letang v Cooper [1965] 1 QB 232: 69, 75
- Leuckhart v Cooper (1836) 3 Bing (NC) 99 (132 ER 347): 213
- Lever v Fletcher (1780) noted in Park, Marine Insurances, 237: 280
- Leveson v Kirk (1610) 1 Rolle Abridg 105, Action sur Case, pl 10: 88
- Lewis v Rucker (1761) 2 Burr 1167 (97 ER 769): 269
- Lickbarrow v Mason (1787) 2 TR 63 (100 ER 35): 264
- Liebig's Extract of Meat Company Ltd v Mersey Docks & Harbour Board [1918] 2 KB 381: 219
- Lilly v Ewer (1779) 1 Doug 72 (99 ER 50): 268
- Lincoln v Topliff (1597) Cro Eliz 644 (78 ER 883): 8
- Ling v Commonwealth (1994) 123 ALR 65: 357
- Lipkin Gorman v Karpnale Ltd [1991] 2 AC 548; [1992] 4 All ER 512: 298, 352
- Lister v Romford Ice & Cold Storage Co Ltd [1957] AC 555 ([1956] 2 QB 180 CA): 225, 229
- Liverpool City Council v Irwin [1977] AC 239; [1976] QB 319: 227, 231
- Liversidge v Broadbent (1859) 4 H & N 603 (157 ER 978): 359
- Lloyds Bank Limited v Chartered Bank of India, Australia and China [1929] 1 KB 40: 101
- Lloyds Bank v Chartered Bank of India, Australia and China [1929] 1 KB 40 (CA): 99
- Loane v Eagar [1818] NSWKR 6: 94
- Lockwood v Coysgarne (1765) 3 Burr 1676 (97 ER 1041): 282
- Longchamp v Kenny (1779) 1 Dougl 137 (99 ER 91): 274
- Lord Beauchamp v Sir Richard Croft (1497) Keilwey 26 (72 ER 182): 117
- Lord of Leicester v Mandy (1657) Sid 21 (82 ER 1234): 118
- Lord Peterborough v Williams (1687) 2 Show 505 (89 ER 1068): 119
- Lord Say and Seal's Case (1795) 10 Mod 41 (88 ER 617): 138
- Lord Townsend v Hughes (1676) 2 Mod 150 (86 ER 994): 117
- Lord Townshend v Hughes (1677) 2 Mod 154: 118
- Lord Walsingham v Goodricke (1843) 3 Hare 122 (67 ER 322): 148
- Loukas v Young [1968] 3 NSW 549: 123
- Loveday v Ormesby (1310) YB 3 Edw II, Selden Society Vol 20, 191 (CP) (B&M 276): 33, 42
- Low v Foss (1845) Res & Eq J 40: 178
- Lowry v Bourdieu (1780) 2 Dougl 468 (99 ER 299): 280

TABLE OF CASES

- Loxton v Moir (1914) 18 CLR 360: 352
 Lumbers v W Cook Builders Pty Ltd (In Liq) (2008) 232 CLR 635: 235
 Lumley v Gye (1853) 2 El & Bl 216 (118 ER 749): 94
 Lumyner v Wylde (1285) 101 Selden Society 33: 121
 Luxor (Eastbourne) Ltd v Cooper [1941] AC 108: 224-225, 229
 Lyon v Mellis (1804) 5 East 428: 204
 Lyons v Sea [1840] NSWSupC 88: 99
 Lyons, Ex parte, In re Wilson [1839] NSWSupC 89; (1839) 1 Legge 140: 449
 M'Combie v Davies (1805) 6 East 538 (102 ER 1393): 102
 McCowen Lumber & Export Co Inc v Pacific Marine Insurance Co Ltd (1922) 38 TLR 901: 214
 M'Leod v M'Ghie (1841) 2 M & G 326 (133 ER 771): 98
 Macdowall v Fraser (1779) 1 Doug 260 (99 ER 170): 268
 Mackay v Dick (1881) 6 App Cas 251: 224, 232
 Mackenzie v Marquis of Powis (1737) 7 Bro PC 282 (3 ER 183): 258
 McLean (deceased), Re [1904] 23 NZLR 504: 347
 MacPherson v Buick Motor Co 217 NY 382, 111 NE 1050 (1916): 186, 197-198
 McQuire v Western Morning News Co [1903] 2 KB 100: 194
 McWhirter v Longmuir (1948) SC 577: 219
 Maddox v Maddox (1747) 1 Ves Sen 62 (27 ER 892): 136
 Mantoufeh v Enterprise Finance Solutions Pty Ltd [2009] NSWSC 114: 48
 March v Julian [1810] NSWKR 2: 176
 Marshall v York Newcastle and Berwick Railway (1851) 138 ER 632: 181
 Marshall's Case (1441) YB Hil 19 Hen VI, f 49, pl 5 (B&M 409): 11
 Martell v Consett Iron Co Ltd [1955] Ch 363: 361
 Martin v Pont [1993] 3 NZLR 25: 252
 Martin v Sitwell (1690) 1 Show KB 156 (89 ER 509): 246
 Mast v Goodson (1888) 2 Black W 849 (96 ER 500) (CP): 16
 Master v Miller (1791) 4 TR 320 (100 ER 1042): 321, 361
 Matthew v Crass (1614) Cro Jac 323 (79 ER 276): 112
 MatviEFF & Co v Crosfield (1903) 19 TLR 182: 214
 May v Lane (1894) 64 LJQB 236: 346
 Mayor and Commonalty of Colchester v Goodwin (1667) Carter 68; Carter 114 (124 ER 829; 859): 48
 Mears v L&SWR (1862) 11 CBNS 850 (142 ER 1029): 91
 Mears v London and South Western Railway Co (1862) 11 CBNS 850 (142 ER 1029): 95-96
 Mears v Safecar Security Ltd [1983] 1 QB 54: 96, 231
 Medcraft v Hall (1782) 3 Doug 113 (99 ER 566): 270
 Medina v Stoughton (1699) 1 Salk 210 (91 ER 188); 1 Ld Raym 593 (91 ER 1297): 207
 Meldrum v Australian Broadcasting Company Ltd [1932] VLR 425: 124
 Mellor v Overton (1671) Carter 227 (124 ER 931): 48
 Mercer v Commissioner for Road Transport (1936) 56 CLR 580: 192
 Merivale v Carson (1887) 20 QBD 275: 194
 Mersey Docks Trustees v Gibbs (1866) LR 1 HL 93 (11 ER 1500): 219
 Metcalk v Bruin (1810) 12 East 400: 394
 Metzner v Bolton (1854) 9 Ex 518, 521: 212
 Meyer v Dresser (1864) 16 CB(NS) 646 (143 ER 1280): 211
 Mickelberg v 6PR Southern Cross Radio Pty Ltd (2001) 24 WAR 187: 124
 Midland Railway Co v London & North-Western Railway Co (1866) 15 LT 264: 217
 Midland Silicones Ltd v Scruttons Ltd [1962] AC 446: 18
 Mildenhall Bell Case, The (1469) YB 9 Ed IV: 232
 Milroy v Lord (1862) 4 De GF & J 264 (45 ER 1185): 360
 Minet v Morgan (1873) LR 8 Ch App 361: 152, 163
 Mitchel v Allestree (1676) 1 Ventris 295 (2 Lev 172; 3 Keb 650) (B&M 572): 62-63
 Mitsubishi Electric Australia Pty Ltd v Victorian Workcover Authority (2002) 4 VR 332: 160
 Moberlay v Morpath (1509-1510) 101 Selden Society 5: 108-110
 Montefiori v Montefiori (1762) 1 Black W 363 (96 ER 203): 262
 Moor v Foster (1605) Cro Jac 65 (79 ER 55): 111
 Moorcock, The (1889) 14 PD 64; [1886-90] All ER Rep 530: 217, 219-222, 226-227, 229
 Morison v London County and Westminster Bank [1914] 3 KB 356 (CA): 99
 Morley v Attenborough (1849) 3 Exch 499 (154 ER 943): 207
 Morley v Gaisford (1795) 2 H Bl 441: 64
 Morrell v Wootten (1852) 16 Beav 197 (51 ER 753): 358
 Morris v CW Martin & Sons Ltd [1966] 1 QB 716: 205
 Moses v Macferlan (1760) 2 Burr 1005 (97 ER 676): 7-8, 24, 248, 250, 258, 271, 274-275, 286
 Moss v Eaglestone [2011] NSWCA 404; 257 FLR 96: 430
 Mosse v Reade (1579) Owen 47 (74 ER 890): 111
 Mostyn v Fabrigas (1774) 1 Cowp 161 (98 ER 1021): 258
 Mount v Oldham Corporation [1973] 1 QB 309: 216

TABLE OF CASES

- Mounteagle v Countess of Worcester (1555) 2 Dyer 121 (73 ER 265): 87
 Mt Isa Mines v Pusey (1970) 125 CLR 383: 189
 Myers v Design Inc (International) Ltd [2003] 1 WLR 1642: 359
 Nagle v Foote (1739) 1 Bro PC 439 (1 ER 675): 258
 Nassh v Taillour (1372) 101 Selden Society 55: 121
 National Bank of Greece SA v Pinios Shipping Co (The Maria) [1990] 1 AC 637: 214, 216
 National Commerce Banking Corporation of Australia Ltd v Batty (1986) 160 CLR 251: 380
 National Mutual Property Services (Australia) Pty Ltd v Citibank Savings Ltd (1995) 132 ALR 514: 361
 National Provincial Bank Ltd v Ainsworth [1965] AC 1175: 351
 Naylor v Scott (1729) 2 Ld Raym 1558 (92 ER 510): 212
 Nelson v Dahl (1879) 12 Ch D 568: 212
 Nelson v Nelson (1995) 184 CLR 538: 280-282
 Newall v Royal Exchange Shipping Co v Dixon (1886) 12 App Cas 11: 214
 Newdigate v Davey (1694) 1 Ld Raym 742 (91 ER 1397): 246
 Nias v Northern and Eastern Railway Company (1838) 2 Keen 76 (48 ER 557); 3 My & Cr 355 (40 ER 963): 148, 150
 Nichol v Godts (1854) 10 Ex 191 (156 ER 410): 209
 Nichols v More (1661) 1 Sid 36 (82 ER 954): 21
 Nickalls v Merry (1875) LR 7 HL 530: 213
 Noble v Kennoway (1780) 2 Doug KB 510 (99 ER 326): 214
 Nocton v Lord Ashburton [1914] AC 932: 15, 180
 Nokes v James (1599) Cro Eliz 674 (78 ER 912): 218
 Norman v Bell (1831) 2 B & Ad 190 (109 ER 1114): 89
 Norman v FCT (1962) 109 CLR 9: 350, 353, 360
 Norris v Cottle (1850) 2 HLC 614 (9 ER 1238): 402
 North & South Trust Co v Berkeley [1971] 1 WLR 470: 213-215
 Northern Sandblasting v Harris (1997) 188 CLR 313: 187
 Nunan v South Western Railway Company [1924] 1 KB 223: 190
 Nurse v Barns (1664) Raym Sir T 78 (83 ER 43): 17
 O'Reilly v Commissioners of State Bank of Victoria (1983) 153 CLR 1: 166-167
 O'Sullivan v Williams [1992] 3 All ER 385 (CA): 84
 Oakes v Turquand; Peek v Turquand (1867) LR 2 HL 325: 409
 Oaste v Taylor (1602) Cro Jac 306: 314
 OBG Ltd v Allan [2005] QB 762: 69, 99-100, 104
 OBG Ltd v Allan [2008] 1 AC 1: 69, 99, 100, 101, 104
 Occulist Case (1329) LI MS Hale 137(1), fo 150 (B&M 381): 9, 11
 Ode v Wolston (1289) 101 Selden Society 37: 120
 Ogle v Barnes (1799) 8 TR 188: 64
 Ollivant v Bayley (1843) 5 QB 288 (114 ER 1257): 208
 Olsson v Dyson (1969) 120 CLR 365: 18, 357
 Orwell v Mortoft (1504) YB Mich 20 Hen VII fo 9 pl 18: 7
 Orwell v Mortoft (1505) YB Mich 20 Hen VII, fo 8, 118, B&M 406: 7, 17, 87, 241
 Oshlack v Richmond River Council (1998) 193 CLR 72: 360
 Otey v Dallynge (1309) 101 Selden Society 44: 120, 121
 Overend, Gurney & Co v Gibb (1872) LR 5 HL 480: 409
 Overseas Tankships (UK) Ltd v Morts Docks Engineering Co Ltd (The Wagon Mound No 1) [1961] AC 388: 195
 Palette Shoes Pty Ltd v Krohn (1937) 58 CLR 1: 350
 Palgo Holdings Pty Ltd v Gowans (2005) 221 CLR 249: 30
 Palmer v Boyer (1594) Cro Eliz 342 (78 ER 590): 111
 Palmer v Jones [1796] NSWKR 4; [1796] NSWSupC 4: 449
 Palsgraf v Long Island Railroad 162 NE 99 NY (1928): 191
 Paradise Motor Co Ltd, Re [1968] 1 WLR 1125: 360
 Parker v McKenna (1874) LR 10 Ch 96: 377
 Parkinson v Lee (1802) 2 East 314 (102 ER 389): 207-208
 Parret v Carpenter (1596) Noy 64 (74 ER 1032): 112
 Parry v Roberts (1835) 3 AD & E 118 (111 ER 358): 375
 Pasley v Freeman (1789) 3 TLR 51: 207
 Patrick v Wise (1441) 101 Selden Society 14: 108-109
 Pavey & Matthews Pty Ltd v Paul (1987) 162 CLR 221: 346
 Paxton v Courtney (1860) 2 F & F 131: 213
 Peard v Jones (1634) Cro Car 382 (79 ER 933): 111
 Pearse v Pearse (1846) 1 De G & Sm 12 (63 ER 950): 151-152, 154, 161, 167
 Peek v Gurney (1873) LR 6 HL 377: 409
 Pelly v Royal Exchange Assurance (1757) 1 Burr 341 (97 ER 342): 211
 Penfolds Wines Pty Ltd v Elliott (1946) 74 CLR 204: 95
 Pennington v Waine [2002] 1 WLR 2075: 360
 Perre v Apand Pty Ltd (1999) 198 CLR 180: 199
 Perrin v Blake (1769) 4 Burr 2579 (98 ER 355); 1 Bl W 672 (96 ER 392): 287
 Perry v Barnett (1885) 15 QBD 388: 212, 214-215

TABLE OF CASES

- Petersen v Moloney (1951) 84 CLR 91: 366, 368
 Petestede v Marreys (1310) KB 27/202, m 30d (B&M 338): 3-4, 54, 58
 Petties v Soam (1603) Goldsb 138: 374, 378
 Pew v Jeffreyes (1637) Cro Car 456 (79 ER 996): 112
 PGA v R (2012) 287 ALR 599: 172
 Pickard v Smith (1861) 10 CBNS 470: 185
 Pierce v Howe (1589) 1 Leo 131 (74 ER 122): 111
 Pike v Ongley (1887) 18 QBD 708: 212
 Pillans v Van Mierop (1778) 7 TR 350 (97 ER 1035): 287
 Pinkney v Hall (1697) 1 Ld Raym 175: 315
 Pinnel's Case (1600) 5 Co Rep 117a (77 ER 237): 429
 Pioneer Container, The [1994] 2 AC 324: 70
 Pippin v Sheppard (1822) 11 Price 400 (147 ER 512): 182
 Planche v Colburn (1831) 8 Bing 14 (131 ER 305): 252
 Planche v Fletcher (1779) 1 Doug 251 (99 ER 164): 278
 Polemis, Re [1921] 3 KB 560: 195
 Polkinghorne v Holland (1934) 51 CLR 143: 379-380
 Pollard v Oyden (1853) 2 E & B 459 (118 ER 839): 23
 Pollock v Stables (1848) 12 QB 765: 214
 Pomfret v Ricroft (1699) 1 Wms Saund 321 (85 ER 454): 218
 Popham v Eyre (1790) Lofft 786 (98 ER 919): 289
 Porter v Davy (1332) 101 Selden Society 52: 120
 Pott v Clegg (1847) 16 M & W 321 (153 ER 1212): 23
 Pratt Holdings Pty Ltd v Commissioner of Taxation (2004) 136 FCR 357: 160-161, 165, 170
 Preston v Carr (1826) 1 Y & J 175 (148 ER 634): 145
 Price v Neal (1762) 1 W Black 390 (96 ER 221): 274
 Priestley v Fowler (1837) 3 M & W 1: 179, 205
 Produce Brokers Co Ltd v Olympia Oil and Cake Co, Ltd [1916] 2 KB 296 (affirmed [1917] 1 KB 320): 213
 Produce Brokers Co Ltd v Olympia Oil and Cake Co, Ltd [1916] 1 AC 314: 211-212, 214
 Project 28 Pty Ltd v Barr [2005] NSWCA 240: 361
 PT Garuda Indonesia Ltd v Grellman (1992) 5 FCR 515: 426
 Putt v Rawstorne (1682) T Raym 472 (83 ER 246); 3 Mod 1 (87 ER 1): 89
 Pynchon v Legat (1611) 9 Co Rep 86 (B&M 492): 16-17
 Pynnell v Cole (1602) CP 40/1684 m 501 (B&M 286): 45
 R v Almon (1765) Wilm 241 (97 ER 94): 283
 R v Cawood (1722) 2 Ld Ry 1361 (92 ER 386): 392
 R v Cotton (1751) Parker 113 (145 ER 729): 73
 R v Cox and Railton (1894) 14 QBD 153: 137
 R v Dodd (1808) 9 East 516 (103 ER 670): 392
 R v Hathaway (1702) 14 Howell's State Trials 639: 256
 R v Hugh, Son of Turstin (1111) Hist Mon Abingd 91 (Rec Com): 45
 R v Inhabitants of Thames Ditton (1785) 4 Doug 300 (99 ER 891): 277
 R v Paddington Rent Tribunal, Ex parte Bedrock Investments Ltd [1947] KB 984: 228
 R v Pease (1832) 4 B & Ad 30: 190
 R v Ratcliff [2007] SASC 297; 250 LSJS 226: 125
 R v Richardson (1758) 1 Burr 517 (97 ER 426): 284
 R v Stapylton (1771, unreported, see Oldham, Mansfield Manuscripts, 1242): 276
 R v Toohey; Ex parte Meneling Station Pty Ltd (1982) 158 CLR 327: 351
 R v Uljee [1982] 1 NZLR 561: 168
 R v Wallace, Ex parte O'Keefe [1918] VLR 285: 454
 R v Woodfall (1770) 5 Bur 2661 (98 ER 398): 283
 R (Morgan Grenfell & Co Ltd) v Special Commissioner of Income Tax [2003] 1 AC 563: 169
 Race v Ward (1855) 4 E & B 702 (119 ER 259): 210
 Radcliffe v Fursman (1730) 2 Bro PC 514 (1 ER 1101): 144, 148, 150-151
 Radio 2UE Sydney Pty Ltd v Chesterton (2009) 238 CLR 460: 109
 Raine v Busby (1829) Dowling's NSW Select Cases (1828-1844), 436: 176
 Raitt v Mitchell (1815) 4 Camp 146 (171 ER 47): 212
 Ratcliff v Davies (1611) Cro Jac 244 (79 ER 210): 83-85, 93
 Rattlesdene v Grunestone (1317) B&M 300: 55
 Raynard v Chase (1756) 1 Burr 2 (97 ER 155): 260
 Reade v Johnson (1590-1591) Cro Eliz 243 (78 ER 498): 8
 Reader's Digest Services Pty Ltd v Lamb (1982) 150 CLR 500: 109
 Readhead v Midland Railway Co (1869) LR 4 QB 379: 205
 Redfield v Oakland Consolidated Street Railway 43 P 1117 (Cal 1896): 192
 Reece v Trye (1846) 9 Beav 316 (50 ER 365): 150
 Reeves v Commissioner of Police of the Metropolis [2000] 1 AC 360: 281
 Reid v Langlois (1849) 1 Mac & G 627: 161
 Reigate v Union Manufacturing Company (Ramsbottom), Ltd [1918] 1 KB 592: 221, 225, 227, 229
 Renard Constructions (ME) Pty Ltd v Minister for Public Works (1992) 26 NSWLR 234: 233
 Renouf v Federal Capital Press of Australia Pty Ltd (1977) 17 ACTR 35: 106
 Reston v Pomfret (1598) Cro Jac 639 (78 ER 879): 112
 Revenue and Customs Commissioners v Total Network SL [2008] 1 AC 1174: 69

TABLE OF CASES

- Reynell v Lewis (1846) 15 M & W 517 (135 ER 954): 402
- Reynolds v Clarke (1725) 1 Str 634 (2 Ld Raym 1399; 8 Mod 272) (B&M 354): 62, 175
- Reynolds v Smith (1893) 9 TLR 494: 214
- Ricardes v Rutter (1566) 101 Selden Society 30: 108
- Rich v Commissioner for Railways (1959) 101 CLR 135: 186
- Richards v Jackson (1812) 18 Ves Jun 472 (34 ER 396): 144
- Rickard Constructions v Rickard Hails Moretti Pty Ltd [2004] NSWSC 1041: 361
- Robb v Green [1895] 2 QB 315: 205
- Robbins v Jones (1863) 15 CB (NS) 221: 186
- Robert Addie & Sons (Collieries) Ltd v Dumbreck [1929] AC 358: 185
- Roberts v Barker (1833) 1 C & M 808 (149 ER 625): 212
- Robinson v Bland (1760) 1 Black W 256 (96 ER 141); 2 Burr 1077 (97 ER 717): 280, 282
- Robinson v Cox (1741) 1 Coop T Cott 540 (47 ER 991): 278, 280
- Robinson v Mollett (1875) LR 7 HL 802: 214-216
- Robinson v Rayner (1424-1425) 101 Selden Society 4: 108-110
- Rogers v Head (1610) Cro Jaq 262 (79 ER 226): 244
- Rogers v Whitaker (1992) 175 CLR 479: 192, 199
- Rolls-Royce Ltd v Jeffrey [1962] 1 All ER 801: 349
- Rolt v Sharp (1627) Noy 83 (74 ER 1050): 244
- Rose, Rose, Re v IRC [1952] Ch 499: 360
- Ross v Hill (1846) 2 CB 877: 205
- Rothwells Ltd v Nommack (No 100) Pty Ltd (1988) 13 ACLR 421: 359
- Row v Dawson (1749) 1 Ves Sen 331 (27 ER 1064): 360
- Roxborough v Rothmans of Pall Mall Australia Ltd (2001) 208 CLR 516: 253, 271
- Royal Botanic Gardens and Domain Trust v South Sydney City Council (2002) 186 ALR 289: 233
- Royal British Bank and the 7 & 8 Vict c 111, Re (1857) 28 LT Rep (OS) 224: 402
- Rushden v Collins (1669) 1 Vent 44 (86 ER 31); 1 Mod 8 (86 ER 689): 23
- Rushforth v Hatfield (1806) 7 East 224 (103 ER 86): 214
- Russel v Langstaffe (1780) 2 Doug 514 (99 ER 328): 267
- Russell v Palmer (1767) 2 Wilson 325: 178
- Ryall v Rowles (1750) 1 Ves Sen 348 (27 ER 1074): 360
- Ryan v Premachandran [2009] NSWSC 1186: 123
- Ryland v Green (1738) 5 Bro PC 403 (2 ER 759): 258
- Rylands v Fletcher (1865) 3 H & C 774; (1866) 4 H & C 263: 175, 181
- Sabemo Pty Ltd v North Sydney Municipal Council [1977] 2 NSWLR 880: 252
- Sadler v Evans (1766) 4 Burr 1984 (98 ER 34): 274
- Sagar v H Ridehalgh & Son Ltd [1931] 1 Ch 310: 214
- Salman v Wille P11 Rich II (1388-1389) Bellewe's Abridg 134-135 Detinue of Charters pl 3, Ames Fndn 5 YB Ser 283-288: 74-75
- Salomon v A Salomon & Co Ltd [1897] AC 22: 407
- Salter v Butler (1602) Noy 46 (74 ER 1016) (KB): 91
- Salvador v Hopkins (1765) 3 Burrow 1707 (97 ER 1057): 211
- San Sebastian Pty Ltd v Minister Administering Environment Planning and Assessment Act 1979 (1986) 162 CLR 340: 12
- Sanders Brothers v Maclean & Co (1883) 11 QBD 327: 218
- Sandford v Remington (1793) 2 Ves Jun 189 (30 ER 587): 136
- Sands v South Australia [2011] SASCF 136: 123
- Sarson v Roberts [1895] 2 QB 395: 205
- Saunders v Plummer (1662) Bridg O 223 (124 ER 557): 273
- Savignac v Roome (1794) 6 TR 125: 64
- Scally v Southern Health and Social Services Board [1992] 1 AC 294: 231
- Schwarzchild v Harrods Ltd [2008] EWHC 521 (QB); 105 LSG 26: 73
- Scott v Brown, Doering, McNab & Co [1892] 2 QB 724: 281
- Scott v Davis (2000) 204 CLR 333: 274, 366-368, 370, 375, 382-383
- Scott v Godfrey [1901] 2 KB 726: 215
- Scott v Shepherd (1773) 2 Wm Bl 892: 64, 175, 181-182, 193, 195
- Seabrook v British Transport Commission [1959] 2 All ER 15: 157
- Seare v Prentice (1807) 8 East 348: 178, 182
- Seignior and Woolmer's Case (1623) Godb 360: 374-375
- Selwin v Brown (1735) 3 Bro PC 607 (1 ER 1527): 258
- Senior v Armitage (1816) Holt's NPC 197 (171 ER 212): 212
- Serle v Norton (1841) 2 M & Rob 401; 9 M & W 309: 336-337
- Service Station Association Ltd v Berg Bennett & Association Pty Ltd (1993) 117 ALR 393: 233
- Sewalls Falls Bridge v Fiske & Norcross 23 NH 171 (1851): 193
- Sewell v Corp (1824) 1 C & P 392 (171 ER 1245): 214
- Shamia v Joory [1958] 1 QB 448: 359
- Shell Transport and Trading Co and the Consolidated Petroleum Company, Re (1904) 20 TLR 517: 219
- Shepherd v Kain (1821) 5 B & Ald 240 (106 ER 1180): 209

TABLE OF CASES

- Shepherd v Pybus (1842) 3 Man & G 868 (133 ER 1390): 208
- Sherwood v White (1785) 1 Bro CC 452 (28 ER 1235): 270
- Shipton v Dogge (No 2) (or Doige's Case) (1442) YB Trin 20 Hen VI, f 34, pl 4 (Seldon, Vol 51, p 97) (B&M 434): 13
- Shirlaw v Southern Foundries (1926) Limited [1939] 2 KB 206: 221-222, 224, 227, 229
- Shuttleworth v Garnet (1689) Comb 151 (90 ER 398): 2, 245
- Sidaway v Bethlem Royal Hospital [1985] AC 871: 204
- Sim v Stretch [1936] 2 All ER 1237: 109, 123
- Simeone v Walker [2009] SASC 201: 123
- Simmons v Harvey [1965] Tas SR 84: 349
- Simpson v Bloss (1816) 7 Taunt 246 (129 ER 99): 281
- Sinclair v Brougham [1914] AC 398: 20, 250, 275
- Singtel Optus Pty Ltd v Weston [2011] NSWSC 1083: 171
- Siu v Eastern Insurance Co Ltd [1994] 2 AC 199: 367
- Six Carpenters Case (1610) 8 Co Rep 146a (77 ER 695): 21
- Sky Channel Pty Ltd v Tszyu [2000] NSWSC 838 (Young J): 48
- Skyrne v Butolf (1387) YB II Ric II (AS), 223; (1388) YB Pas 11 Ric II (B&M 405): 9, 11
- Slade's Case (1602) 4 Co Rep 92b (76 ER 1074): 2, 7-8, 15-16, 22, 48, 242-245, 373-374
- Slater v Baker (1767) 2 Wilks KB 360: 178, 182
- Smith v ANL Ltd (2000) 204 CLR 493: 352
- Smith v Bromley (1760) 2 Dougl 696: 281
- Smith v Chadwick (1884) 9 App Cas 187: 206
- Smith v Charles Baker & Sons [1891] AC 325: 179, 191
- Smith v Hughes (1871) LR 6 QB 597: 215
- Smith v Jenkins (1970) 119 CLR 397: 280-281
- Smith v Lloyds TSB Group plc [2001] QB 541 (CA): 99
- Smith v Marrable (1843) 11 M & W 5 (152 ER 693): 205
- Smith v Mills (Case of Bankrupts) (1584) 2 Co Rep 25a (76 ER 441): 427
- Smith v Union Bank of London (1875) 1 QBD 31: 339, 340-341
- Snel v Aylse (1325) 101 Selden Society 51: 121
- Solloway Mills & Co v McLaughlin [1938] AC 247, 257-258: 100
- Solosky v The Queen (1979) 105 DLR (3d) 745: 168
- Somer v Sapurton (1428) YB Mich 7 Hen VI, fo 5, 9 (B&M 259): 46-47
- Somerset v Stewart (1772) Lofft 1 (98 ER 499): 275, 277
- Southwark and Vauxhall Water Company v Quick (1878) 3 QBD 315: 157-158, 161
- Spackman v Foster (1883) 11 QBD 99: 98
- Sparke v Middleton (1664) 1 Keble 505 (83 ER 1079): 132
- Spautz v Williams [1983] 2 NSWLR 506: 125
- Spenceley v Schulenburg (1806) 7 East 357 (103 ER 138): 148
- Spencer (1583) 5 Co Rep 16a (77 ER 72): 218
- Sprigwell v Allen (1642) Aley 91 (82 ER 931: 206
- Starke v Cheeseman (1700) 1 Ld Raym 538: 318
- Steel Wing Co Ltd, Re [1921] 1 Ch 349: 350
- Stephen v Brigstock [1833] NSWSupC 43: 73
- Stevenson v Mortimer (1778) 2 Cowp 805: 374
- Stevenson v Snow (1761) 3 Burr 1237 (97 ER 808); 1 Black W 318 (96 ER 178): 269
- Stirling v Maitland (1864) 5 B & S 840 (122 ER 1043): 223
- Stone v Rogers 2 M&W 448; 2 Wms Saund 349b: 23
- Storey v Lord George Lennox (1836) 1 Keen 341 (48 ER 338): 150
- Stransham's Case (1588) Cro Eliz 98 (78 ER 356): 93
- Strathlorne SS Co Ltd v Hugh Baird & Sons Ltd 1916 SC (HL) 134: 213
- Streeter v Horlock 1 Bing 34: 23
- Strelly v Albany (1582) Choyce Cases 163 (21 ER 95): 130
- Stuart v Wilkins (1778) 1 Dougl 19 (99 ER 15): 206
- Stuckley v Bulhead (1602) 4 Co Rep 16a (76 ER 895): 111
- Style v Hearing (1606) Cro Jac 73 (79 ER 62): 218
- Sullivan v Moody (2001) 207 CLR 562: 12
- Surgeon's Case, The (1375) YB 48 Edw III, f 6, pl 11: 9
- Swain v Law Society [1983] 1 AC 598, 611: 18
- Swanton v Smyth (1378) KB 27/471 (Seldon Society, Vol 103, 424) (B&M 404): 11
- Sweeney v Boylan Nominees Pty Ltd (2006) 226 CLR 161: 368, 381-383
- Sweet v Cater (1841) 11 Sim Rep 572 (59 ER 994): 360
- Sweeting v Pearce (1861) 9 CB(NS) 534: 214
- Swidler & Berlin v United States 524 US 399 (1998): 169
- T Choithram International SA v Pagarani [2001] 1 WLR 1: 360
- Tai Hing Cotton Mill Ltd v Chong Hing Bank Ltd [1986] AC 80: 231
- Tancred v Allgood (1859) 4 H & N 438 (157 ER 910): 96
- Tanfield v Hiron (1623) Godb 405 (78 ER 239): 114
- Tassell and Lee v Lewis (1695) 1 Ld Raym 443: 316
- Tatham v Sutton (1839) 10 Ad & E 27 (113 ER 11): 213-214
- Taylor v Caldwell (1863) 3 B & S 826 (122 ER 309): 222
- Taylor v Chester (1869) LR 4 QB 309: 281
- Taylor v Foster (1600) Cro Eliz 776 (78 ER 1034): 18
- Taylor v Perkins (1606) Cro Jac 144 (79 ER 126): 112

TABLE OF CASES

- Taylor v Tabrum (1833) 6 Sim 281 (58 ER 599): 180
- Telecom Vanuatu Ltd v Optus Networks Pty Ltd [2008] NSWSC 1209: 104
- Tex & Pac Railway v Behymer 189 US 468 (1903): 192
- Thomas From' v Anon YB M11 Hen IV f 23a-25a pl 46 Ct CP (1409): 72
- Thompson v Municipality of Bankstown (1953) 87 CLR 619: 186
- Thomson v Commissioner for Railways (1863) 2 SCR (NSW) 292: 193-195
- Thomson v Faram (1481) 101 Selden Society 17: 109
- Thorley v Lord Kerry (1812) 4 Taunt 355; 128 ER 367: 114
- Thorn v Mayor & Commonalty of London (1876) 1 App Cas 120: 222
- Thornhill's Case YB 17&18 Ed III (RS 510) (1344): 74
- Three Rivers District Council v Bank of England [1996] QB 292: 350, 360-361
- Three Rivers District Council v Governor and Company of Bank of England (No 5) [2003] QB 1556: 160
- Three Rivers District Council v Governor and Company of Bank of England (No 6) [2005] 1 AC 610: 152, 157, 162, 165
- Tinkler v Poole (1770) 5 Burr 2657 (98 ER 396): 91
- Tinsley v Milligan [1994] 1 AC 340: 281
- Tito v Waddell (No 2) [1977] Ch 106: 370
- Tobin v The Queen (1864) 16 CB(NS) 310 (143 ER 1148): 3
- Tolhurst v Associated Portland Cement Manufacturers (1900) Ltd [1903] AC 414 ([1902] 2 KB 660, CA): 362
- Torkington v Magee [1902] 2 KB 427: 346, 349, 352
- Tracy v Talmage 14 NY 162 (NYCA, 1856): 281
- Trade Practices Commission v Sterling (1979) 36 FCR 244: 160
- Trendtex Trading Corporation v Credit Suisse [1982] AC 679: 361
- Trident General Insurance Co Ltd v McNiece Bros Pty Ltd (1988) 165 CLR 107: 177
- Trident Insurance Co Ltd v McNeice Bros Pty Ltd (1988) 165 CLR 107: 18
- Triquet v Bath (1764) 3 Burr 1478 (97 ER 936): 282
- Trkulja v Google Inc (No 2) [2010] NSWSC 490: 123
- Tucker v Linger (1883) 8 App Cas 508: 212-213
- Turner v Goldsmith [1891] 1 QB 544: 225
- Turquand & Capital & Counties Bank v Fearon (1879) 4 QBD 280: 360
- Tweedle v Atkinson (1861) 1 E & E 393 (121 ER 762): 18, 358
- Tyrie v Fletcher (1777) 2 Cowp 666 (98 ER 1297): 212
- Tyson v Smith (1838) 9 Ad & El 406 (112 ER 1265): 211
- Ultramares Corp v Touche 174 NE 441 (1931): 199
- Uren v John Fairfax & Sons Pty Ltd (1966) 117 CLR 118: 106
- Vallejo v Wheeler (1774) 1 Cowp 143 (98 ER 1012): 265
- Van Sandau v Moore (1826) 1 Russ 441: 390, 394
- Vandepitte v Preferred Accident Insurance Corporation of New York [1933] AC 70: 18
- Vandrink v Archer (1590) 1 Leon 221 (74 ER 203): 86, 93
- Vane v Skinner (1441) 101 Selden Society 15: 109
- Varawa v Howard Smith & Co Ltd (1910) 10 CLR 382: 137
- Vaughan v Ellis (1609) Cro Jac 213 (79 ER 185): 112
- Vaughan v Menlove (1837) 3 Bing NC 468 (132 ER 490): 193
- Vauxhall Bridge Company, Ex parte (1821) 1 Glyn & Jameson's Reports 101: 396
- Veil v Bassingbourn (1226) Curia Regis Rolls, 12, pl 1609 (B&M 231): 37
- Vent v Pacey (1830) 4 Russ 193 (38 ER 778): 145
- Victorian Railways Commission v Coultas (1888) 13 AC 222: 189
- Vint v Constable (1871) 25 LT (NS) 324: 213
- Viscount Saye and Sele v Stephens (1629) Cro Car 135 (79 ER 719): 118
- Voli v Inglewood Shire Council (1863) 110 CLR 74: 12, 185-186
- Vyner v Clipsham and Castle (about 1665) PRO Ch P, before 1714 (Reynardson), 35/66: 334
- Waberly v Cockerel (1541) Dyer 51 (73 ER 112): 42
- Wade v Braunche (1596) 2 And 53 (123 ER 541): 5, 7
- Wadsworth v Hamshaw (1819) 2 Brod & B 5: 146
- Wagner v International Railway Co 133 NE 437 NY (1921): 191
- Wagworth v Halyday YB T29 Ed III f 38 pl [12] Ct CP (1355): 74, 76, 84
- Wainwright v Home Office [2004] 2 AC 406: 69
- Wakim, Re; Ex parte McNally (1999) 198 CLR 51: 412
- Waldon v Marshall (1370) YB 43 Edw III, F 33, pl 38: 9, 239
- Waldron v Ward (1658) Sty 449 (82 ER 853): 132
- Walgrave v Ogden (1590) 1 Leon 224 (74 ER 205): 92
- Walker v Bradford Old Bank Ltd (1884) 12 QBD 511: 345
- Walker v Wildman (1821) 6 Madd 47 (56 ER 1007): 144, 145, 161
- Walkers, Winsler & Hamm and Shaw, Son & Co, Re [1904] 2 KB 152: 213
- Wallem's Rederij a/s v Wm H Muller & Co Batavia [1927] 2 KB 99: 219
- Warbrook v Griffin (1609) 2 Brownl & Golds 254 (123 ER 927): 20-21, 244

TABLE OF CASES

- Ward v Macauley (1791) 4 TR 489 (100 ER 1135): 83
- Warman International Ltd v Dwyer (1995) 182 CLR 544: 370, 376
- Warton v Ashepole (1524) B&M 582; (1524) Spelman f 4 pl 4, 93 Selden Society (ed Baker) 4: 90-91
- Watbroke v Griffith (1609) Moore KB 877 (72 ER 968): 20-21
- Waterhouse v Gilmore (1988) 12 NSWLR 270: 125
- Waterhouse v The Age Co Ltd [2011] NSWSC 159: 123
- Watkins Case (sometimes Wykes Case) (1425) YB Hil 3 Hen VI, f 36, pl 35 (B&M 425): 9, 11, 13, 20, 240
- Watson v George (1953) 89 CLR 409: 185
- Watson v McLean (1858) EB & E 75 (120 ER 435): 98
- Watson v Spratley (1854) 10 Ex 222 (156 ER 424): 396
- Waugh v British Railways Board [1980] AC 521: 154, 168, 170, 172
- Way v Latilla [1937] 3 All ER 759: 225
- Wayland's Case (1706) 3 Salk 234: 379
- Weaver v Ward (1616) 1 Hob 134 (B&M 331): 59
- Webb v Bloch (1928) 41 CLR 331: 108
- Webb v Plummer (1819) 2 B & Ald 746 (106 ER 537): 212
- Webb v Poore (1596) Noy 63 (74 ER 1031): 111
- Weinstock v Beck [2011] NSWCA 228: 393
- Westerdell v Dale (1797) 7 TR 306 (101 ER 989): 263
- Westerton, Re [1919] 2 Ch 104: 360
- Weston v Downes (1778) 1 Dougl 23 (99 ER 19, 20): 248
- Whateley v Crowter (1855) 5 El & Bl 709 (119 ER 645): 156
- Wheeler v Le Marchant (1881) 17 Ch D 675: 157, 159, 160-162
- Whelpdale's Case (1572-1616) 5 Co Rep 119 (77 ER 239): 278
- Whiteley Ltd v Hilt [1918] 2 KB 808: 81
- Whorwood v Gybbons (1587) Gould 48 (75 ER 986): 22
- Wicks v Shepherd (1629) Cro Jac 155 (79 ER 735): 112
- Wieler v Schilizzi (1856) 17 CB 619 (139 ER 1219): 209
- Wigglesworth v Dallison (1779) 1 Dougl 201 (99 ER 132): 207, 211-212
- Wilbraham v Snow (1669) 2 Wms Saund 47a (85 ER 624): 82
- Wilkin v Wilkin (1691) 1 Salk 9 (91 ER 8): 373
- Wilkinson v Verity (1871) LR 6 CP 206: 73, 98
- William's Case (1321) Eyre of London 1321 (Selden, Vol 86, 327): 2
- Williams v Holland (1833) 2 LJCP (NS) 190 (131 ER 848): 60-61, 64, 66, 174-175
- Williams v Holland (1833) 2 LJCP (NS) 190: 60, 64, 174
- Williams v Milotin (1957) 97 CLR 465: 174-175
- Williams v Mundie (1824) Ry & Mood 34 (171 ER 933): 146
- Williams v Williams (1817) 3 Mer 157 (36 ER 61): 205
- Wilson v Brett (1843) 11 M & W 113 (152 ER 737): 194
- Wilson v Rastall (1792) 4 TR 753 (100 ER 1283): 142
- Winch v Keeley (1787) 1 TR 619 (99 ER 1284): 360, 362
- Winchester v Fournier (1752) 2 Ves Sen 445 (28 ER 284): 136
- Windsor v Umberville (1574) Monro 411: 131
- Winkfield, The [1902] P 42: 83
- Winterbottom v Wright (1842) 10 M & W 519 (152 ER 402): 177
- Wirral v Brand (1666) 1 Levinz 165 (83 ER 351): 16
- Wolverston v Meres (1600) Cro Eliz 911 (78 ER 1133): 111
- Wood v Lucy, Lady Duff-Gordon 222 NY 88, 118 NE 214 (1917): 233
- Woodar Investments Development Ltd v Wimpey Construction UK Ltd [1980] 1 WLR 277: 18
- Woodley v Metropolitan District Railway Company (1877) 2 Ex D 384 ([1874-80] All ER Rep 125): 190-191
- Woodward v Rowe (1666) 2 Keb 105: 315, 318
- Woolcock Street Investments Pty Ltd v CDG Pty Ltd (2004) 216 CLR 515: 12
- Woolley v North London Railway Company (1869) LR 4 CP 602: 156
- Wooten v Brygeslay (1400) YB Mich 2 Hen IV f 3v (CP) (B&M 422): 11, 13
- Wright v Mayer (1801) 6 Ves Jun 280 (31 ER 1051): 144
- Wyke v Ywon (1274) 101 Selden Society 32: 120-121
- Wyllie v Wylkes (1780) 2 Dougl 519 (99 ER 331): 45, 442
- Wysse v Andrewe (1531) B&M 584: 86
- Yates v Pym (1816) 6 Taunt 446 (128 ER 1107): 206, 212
- Young & Marten Ltd v McManus Childs Ltd [1969] 1 AC 454: 230
- Young v Jones (1782) 3 Dougl 97 (99 ER 558): 281
- Young v Queensland Trustees Ltd (1956) 99 CLR 560: 236, 346
- Youssouppoff v MGM Pictures Ltd (1934) 50 TLR 581: 125
- Zizza v Silvester [2011] NSWSC 631: 123