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# Australian Law Journal

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The mode of citation of this volume is  
**(2008) 82 ALJ [page]**

*The Australian Law Journal* is a refereed journal.

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**82 ALJR [page]**

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# THE AUSTRALIAN LAW JOURNAL

Volume 82, Number 10

October 2008

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**ARTICLES****THE AUTOCHTHONOUS EXPEDIENT AND THE FEDERAL COURT****R J Ellicott QC**

This article examines the controversy and emotion which surrounded and still surrounds the establishment of the Federal Court as well as the context in which the court came into existence in 1977 and the determination of the then government to increase the use of s 77(iii) of the Constitution. It summarises the vesting of federal jurisdiction in State Supreme Courts concurrently with the High Court. It deals with developments since its establishment including the rise and fall of cross-vesting and expresses views about the future role and development of the court, the dependence of State Supreme Courts on their ability to exercise federal jurisdiction, the establishment of joint Standing Judiciary Committee in the Parliament and the need for constitutional change to set up one system of courts for Australia. .... 700

**BANKRUPT HUSBANDS AND THE APPLICATION OF THE DOCTRINE OF EXONERATION IN AUSTRALIAN LAW: MOVING INTO THE 21ST CENTURY****Justice Berna Collier**

For at least 300 years equity has recognised a doctrine of exoneration traditionally available to a married woman who, with her husband, has mortgaged or charged joint property for the husband's benefit. The doctrine conventionally applied to circumstances where the husband became bankrupt, and not only presumed that the wife had only intended to charge the property by way of surety, but allowed the wife to raise her rights as a surety, including her right to indemnity by the husband, against third party creditors of the husband. However while the majority of cases in which the doctrine has been applied have involved facts of this nature, it is clear that equity recognises, and indeed has always recognised, the broader application of the doctrine outside the traditional matrimonial relationship. This article analyses the parameters of the doctrine and issues relevant to its application in 21st century Australian law. .... 720

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