

1963-1964

THE

COMMONWEALTH LAW REPORTS

CASES DETERMINED IN THE

HIGH COURT OF AUSTRALIA

EDITOR :

R. A. HOWELL, LL.B.

REPORTERS :

New South Wales	{	C. S. C. SHELLER, M.A. (CANTAB.) R. L. HUNTER, B.A., LL.B. B. M. DEBELLE, LL.B.
Victoria . . .	{	J. D. MERRALLS, LL.B. J. D. PHILLIPS, LL.B. I. C. F. SPRY, LL.B.
South Australia .		BRIAN HUNTER, LL.B.
Tasmania . . .		C. BRETTINGHAM-MOORE, LL.B.
Queensland . . .		T. J. LEHANE, B.A., LL.B.
Western Australia		G. A. KENNEDY, B.C.L., LL.B.

Barristers-at-Law.

VOL. 109.

968
AZC 1963 BUCK

Australia :

THE LAW BOOK CO. OF AUSTRALASIA PTY LTD.

SYDNEY - - - 140 PHILLIP STREET.
MELBOURNE - - - 456 LITTLE COLLINS STREET.
BRISBANE - - - 30 ADELAIDE STREET.

Printed in Australia for
The Law Book Company of Australasia Pty Ltd.,
by Harston, Partridge & Co. Pty. Ltd., Printers,
455-7 Little Collins Street, Melbourne.

JUSTICES OF THE HIGH COURT
OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME

THE RIGHT HONOURABLE SIR OWEN DIXON, O.M., G.C.M.G., CHIEF
JUSTICE.

THE RIGHT HONOURABLE SIR EDWARD ALOYSIUS McTIERNAN, K.B.E.

THE RIGHT HONOURABLE SIR FRANK WALTERS KITTO, K.B.E.

THE RIGHT HONOURABLE SIR ALAN RUSSELL TAYLOR, K.B.E.

THE RIGHT HONOURABLE SIR DOUGLAS IAN MENZIES, K.B.E.

THE RIGHT HONOURABLE SIR WILLIAM JOHN VICTOR WINDEYER,
K.B.E., C.B., D.S.O.

THE RIGHT HONOURABLE SIR WILLIAM FRANCIS LANGER OWEN,
K.B.E.

ATTORNEY-GENERAL :

THE HONOURABLE SIR GARFIELD EDWARD JOHN BARWICK, Q.C., M.P.

THE mode of citation of this volume of the COMMONWEALTH LAW REPORTS will be as follows:—

109 C.L.R.

A TABLE
OF THE
NAMES OF THE CASES REPORTED
IN THIS VOLUME.

<p style="text-align: center;">A.</p> <p>Acquilina; Dairy Farmers Co-operative Milk Co. Ltd. v. - 458</p> <p>Adelaide Stevedoring Co. Ltd. v. Federal Commissioner of Taxation - - - - - 309</p> <p>Amalgamated Television Services Pty. Ltd. v. Postmaster-General of the Commonwealth of Australia - - - - - 59</p> <p>Ardouin; Board of Fire Commissioners of New South Wales v. 105</p> <p>Associated Dominions Assurance Society Pty. Ltd. and the Life Assurance Act 1945-1959, <i>Re</i> - 516</p> <p>Attorney-General (Commonwealth) v. Schmidt [No. 2] - - - - - 163</p> <p>— (Commonwealth) v. Schmidt [No. 3] - - - - - 169</p> <p>— (Tasmania); I.X.L. Timbers Pty. Ltd. v. - - - - - 574</p> <p>Australian Iron and Steel Ltd; Somodaj v. - - - - - 285</p> <p style="text-align: center;">B.</p> <p>Batagol v. Federal Commissioner of Taxation - - - - - 243</p> <p>Bell Bros. Pty. Ltd v. Rathbone - 225</p>	<p>Board of Fire Commissioners of New South Wales v. Ardouin - 105</p> <p>British Nylon Spinners Ltd. and Imperial Chemical Industries Ltd., <i>Ex p.</i>; <i>In re</i> Imperial Chemical Industries Ltd.'s Patent - - - - - 336</p> <p>Brodsky, <i>Ex p.</i>; The Queen v. Thomas - - - - - 434</p> <p>Byrnes, <i>Ex p.</i>; The Queen v. White - - - - - 665</p> <p style="text-align: center;">C.</p> <p>Card; Federal Commissioner of Taxation v. - - - - - 177</p> <p>Coleman; Marriott v. - - - - - 129</p> <p>Commonwealth, The; Jones v. - 475</p> <p>—; Television Corporation Ltd. v. - - - - - 59</p> <p>—; William Crosby & Co. Pty. Ltd. v. - - - - - 490</p> <p>Commonwealth Conciliation & Arbitration Commission; The Queen v.; <i>Ex p.</i> Printing Industry Employees' Union of Australia - - - - - 544</p> <p>Continental Liqueurs Pty. Ltd.; G. F. Heublein and Bro. Inc. v. 153</p>
--	---

VI. TABLE OF CASES REPORTED. [1963-1964.]

Crosby (William) & Co. Pty. Ltd. <i>v. The Commonwealth</i> - - - 490	I.
Crowther <i>v. Commissioner of Stamp Duties (N.S.W.)</i> - - - 377	Imperial Chemical Industries Ltd.'s Patent, <i>In re; Ex. p.</i>
Cummings; Y.Z. Finance Co. Pty. Ltd. <i>v.</i> - - - - - 395	British Nylon Spinners Ltd. and Imperial Chemical Industries Ltd. - - - - - 336
D.	I.X.L. Timbers Pty. Ltd. <i>v. Attorney-General for Tasmania</i> 574
Dairy Farmers Co-operative Milk Co. Ltd. <i>v. Aquilina</i> - - - 458	J.
Davis; New South Wales Bar Association <i>v.</i> - - - - - 428	James <i>v. Robinson</i> - - - - - 593
Domus Pty. Ltd.; Klein <i>v.</i> - - - 467	J. B. Witts Pty. Ltd. <i>v. Wholesalers (Aust.) Pty. Ltd.</i> - - - 322
Dunstan; The Nominal Defendant <i>v.</i> - - - - - 143	Jones <i>v. Federal Commissioner of Taxation</i> - - - - - 342
E.	- - - <i>v. The Commonwealth</i> - 475
Esso Standard Oil (Australia) Ltd.; Shell Co. of Australia Ltd. <i>v.</i> - - - - - 407	K.
F.	Kelly <i>v. Perpetual Trustee Co. (Ltd.)</i> - - - - - 258
Fire Commissioners of New South Wales, Board of <i>v. Ardouin</i> - 105	Kendall Co. <i>v. Mulsyn Paint and Chemicals</i> - - - - - 300
Frauenfelder <i>v. Reid</i> - - - - - 42	Kenny <i>v. Hornberg</i> - - - - - 174
G.	Kimberley-Clark Corporation <i>v. Registrar of Trade Marks</i> - 526
G. F. Heublein and Bro. Inc. <i>v. Continental Liqueurs Pty. Ltd.</i> 153	Klein <i>v. Domus Pty. Ltd.</i> - - - 467
Glenville Pastoral Co. Pty. Ltd (In Liq.) <i>v. Federal Commissioner of Taxation</i> - - - - - 199	L.
H.	Lamshed <i>v. Lamshed</i> - - - - - 440
Heublein, G. F. and Bro. Inc. <i>v. Continental Liqueurs Pty. Ltd.</i> 153	M.
Hornberg; Kenny <i>v.</i> - - - - - 174	Marek <i>v. Tregenza</i> - - - - - 1
	Marriott <i>v. Coleman</i> - - - - - 129
	Marshall <i>v. Whittaker's Building Supply Co.</i> - - - - - 210
	Miles <i>v. Official Receiver in Bankruptcy</i> - - - - - 501

Motor Credits (Hire Finance) Ltd. <i>v.</i> Pacific Motor Auctions Pty. Ltd. - - - - - 87	R. Rathbone; Bell Bros Pty. Ltd <i>v.</i> 225
Mulsyn Paint and Chemicals; Kendall Co. <i>v.</i> - - - - 300	Reg. <i>v.</i> Commonwealth Conciliation & Arbitration Commission; <i>Ex</i> <i>p.</i> Printing Industry Employees' Union of Australia - - - 544
N.	
New South Wales Bar Association <i>v.</i> Davis - - - - - 428	—; Sandown Park Hotel Pty. Ltd. <i>v.</i> - - - - - 521
Nominal Defendant, The <i>v.</i> Dunstan - - - - - 143	— <i>v.</i> Thomas; <i>Ex p.</i> Brodsky 434
Norman <i>v.</i> Federal Commissioner of Taxation - - - - - 9	—; Wendo <i>v.</i> - - - - 559
Nymboida Collieries Pty. Ltd.; Sherman <i>v.</i> - - - - - 580	— <i>v.</i> White; <i>Ex p.</i> Byrnes - 665 —; Woon <i>v.</i> - - - - 529
O.	
Ocean Road Motel Pty. Ltd. <i>v.</i> Pacific Acceptance Corporation Ltd. - - - - - 276	Registrar-General; Pirie <i>v.</i> - 619
Official Receiver in Bankruptcy; Miles <i>v.</i> - - - - - 501	Reid; Frauenfelder <i>v.</i> - - 42 Robinson; James <i>v.</i> - - - 593
P.	
Pacific Acceptance Corporation Ltd.; Ocean Road Motel Pty. Ltd. <i>v.</i> - - - - - 276	S. Sandown Park Hotel Pty. Ltd. <i>v.</i> The Queen - - - - - 521
Pacific Motor Auctions Pty. Ltd.; Motor Credits (Hire Finance) Ltd. <i>v.</i> - - - - - 87	Schmidt; Attorney-General of the Commonwealth <i>v.</i> [No. 2] - 163
Perpetual Trustee Co. (Ltd.); Kelly <i>v.</i> - - - - - 258	—; Attorney-General of the Commonwealth <i>v.</i> [No. 3] - 169
Peyton <i>v.</i> Federal Commissioner of Taxation - - - - - 315	Scott <i>v.</i> Scott - - - - - 649
Pirie <i>v.</i> Registrar-General - - 619	Shell Co. of Australia Ltd. <i>v.</i> Esso Standard Oil (Australia) Ltd. - 407
Postmaster-General of the Com- monwealth of Australia; Amal- gamated Television Services Pty. Ltd. <i>v.</i> - - - - - 59	Sherman <i>v.</i> Nymboida Collieries Pty. Ltd. - - - - - 580
Printing Industry Employees' Union, <i>Ex p.</i> ; The Queen <i>v.</i> Commonwealth Conciliation & Arbitration Commission - - 544	Somodaj <i>v.</i> Australian Iron and Steel Ltd. - - - - - 285
	Stamp Duties, Commissioner of (N.S.W.); Crowther <i>v.</i> - - 377
T.	
	Tait <i>v.</i> Federal Commissioner of Taxation - - - - - 349
	—; Testro <i>v.</i> - - - - 353
	—; Testro Bros. Pty. Ltd. <i>v.</i> 353

Taxation, Federal Commissioner of; Adelaide Stevedoring Co. Ltd. <i>v.</i> - - - - - 309	W.	Wendo <i>v.</i> The Queen - - - 559
—; Batagol <i>v.</i> - - - - 243		White; The Queen <i>v.</i> ; <i>Ex p.</i>
— <i>v.</i> Card - - - - - 177		Byrnes - - - - - 665
—; Glenville Pastoral Co. Pty. Ltd. (In Liq.) <i>v.</i> - - - 199		Whittaker's Building Supply Co.;
—; Jones <i>v.</i> - - - - - 342		Marshall <i>v.</i> - - - - - 210
—; Norman <i>v.</i> - - - - - 9		Wholesalers (Aust.) Pty. Ltd.;
—; Peyton <i>v.</i> - - - - - 315		J. B. Witts Pty. Ltd. <i>v.</i> - - - 322
—; Tait <i>v.</i> - - - - - 349		William Crosby & Co. Pty. Ltd. <i>v.</i>
Television Corporation Ltd. <i>v.</i> The Commonwealth - - - - - 59		The Commonwealth - - - - - 490
Testro <i>v.</i> Tait - - - - - 353		Witts (J. B.) Pty. Ltd. <i>v.</i> Whole-
Testro Bros. Pty. Ltd. <i>v.</i> Tait - 353		salers (Aust.) Pty. Ltd. - - - 322
Thomas; The Queen <i>v.</i> ; <i>Ex p.</i> Brodsky - - - - - 434		Woon <i>v.</i> The Queen - - - - - 529
Trade Marks, Registrar of;	Y.	
Kimberley-Clark Corporation <i>v.</i> 526		Y.Z. Finance Co. Pty. Ltd. <i>v.</i>
Tregenza; Marek <i>v.</i> - - - - 1		Cummings - - - - - 395

TABLE OF CASES AFFIRMED, REVERSED, OVERRULED,
APPLIED OR JUDICIALLY COMMENTED ON IN
CASES REPORTED IN THIS VOLUME

- Abbott v. Minister of Lands*, [1895] A.C. 425.
Distinguished 109 C.L.R. 153.
- Adelaide Stevedoring Co. Ltd v. Federal Commissioner of Taxation* (1961), 106 C.L.R. 658.
Affirmed 109 C.L.R. 309.
- Ainslie v. Ainslie* (1927), 39 C.L.R. 381, per Isaacs J., at p. 390
Applied 109 C.L.R. 285.
- Archer Brothers Pty. Ltd. v. Federal Commissioner of Taxation* (1953), 90 C.L.R. 140.
Explained and distinguished 109 C.L.R. 199.
- Ardouin v. Board of Fire Commissioners of N.S.W.*, [1961] S.R. (N.S.W.) 910; (1960) 78 W.N. 547.
Affirmed 109 C.L.R. 105.
- Austin v. Mills* (1853), 9 Exch. 288 [156 E.R. 123].
Applied 109 C.L.R. 285.
- Baker v. Pryor*, [1932] Q.S.R. 66.
Discussed 109 C.L.R. 322.
- Balenzuela v. De Gail* (1959), 101 C.L.R. 226.
Explained 109 C.L.R. 458.
- Batchelor & Co. Pty. Ltd. v. Websdale*, [1963] S.R. (N.S.W.) 49; (1962) 79 W.N. 494.
Approved 109 C.L.R. 395.
- Beddow v. Beddow* (1878), 9 Ch.D. 89, at p. 93.
Referred to 109 C.L.R. 163.
- Bond v. Barrow Haematite Steel Company*, [1902] 1 Ch. 353.
Referred to 109 C.L.R. 199.
- Bridgewater Navigation Company, In re*, [1891] 2 Ch. 317, at p. 327.
Referred to 109 C.L.R. 199.
- Buchanan v. Kiley*, [1948] Q.S.R. 274.
Discussed 109 C.L.R. 322.
- Cocks v. Juncken* (1947), 74 C.L.R. 277.
Followed 109 C.L.R. 174.
- Continental Liqueurs Pty. Ltd. v. G. F. Heublein and Bro. Inc.* (1960), 103 C.L.R. 422.
In part affirmed, in part reversed 109 C.L.R. 153.
- Crothers, In re; Crothers v. Crothers*, [1930] V.L.R. 49.
Referred to and distinguished, but correctness not decided 109 C.L.R. 501.
- Cummings v. Y.Z. Finance Co. Pty. Ltd.* (1963), 80 W.N. (N.S.W.) 741.
Affirmed 109 C.L.R. 395.
- Davis, Ex p.*, [1963] S.R. (N.S.W.) 54; (1962) 79 W.N. 856.
Reversed 109 C.L.R. 428.
- Dowling v. Bowie* (1952), 86 C.L.R. 136.
Applied 109 C.L.R. 143.
- Eastern Distributors Ltd. v. Goldring (Murphy, Third Party)*, [1957] 2 Q.B. 600, at pp. 613, 614.
Referred to 109 C.L.R. 87.
- Filios v. Morland* (1963), 80 W.N. (N.S.W.) 501.
Approved 109 C.L.R. 458.
- Fire Commissioners, Board of v. Rowland*, [1960] S.R. (N.S.W.) 322; (1959) 76 W.N. 538.
Considered 109 C.L.R. 105.
- Hassell v. Perpetual Executors Trustees & Agency Co. (W.A.) Ltd.* (1952), 86 C.L.R. 513.
Applied 109 C.L.R. 259.
- Hoare & Co. Ltd., In re*, [1904] 2 Ch. 208.
Referred to 109 C.L.R. 199.
- Holland v. Boland* (1953), 27 W.C.R. (N.S.W.) 25.
Disapproved by Windeyer J. 109 C.L.R. 42.
- Hughes v. The State of Tasmania* (1955), 93 C.L.R. 113.
Distinguished 109 C.L.R. 225.
- Hyde v. Sullivan*, [1956] S.R. (N.S.W.) 113; 73 W.N. 25.
Discussed 109 C.L.R. 322.
- Klein v. Domus Pty. Ltd.* (1962), 80 W.N. (N.S.W.) 515.
Affirmed 109 C.L.R. 467.
- Kuruma v. The Queen*, [1955] A.C. 197.
Commented on 109 C.L.R. 559.
- Lamshed v. Lamshed*, [1963] S.A.S.R. 154.
Reversed 109 C.L.R. 440.
- McBride v. Hudson* (1962), 107 C.L.R. 604.
Distinguished 109 C.L.R. 259.
- Mayfair Trading Co. Pty. Ltd. v. Dreyer* (1958), 101 C.L.R. 428.
Discussed 109 C.L.R. 322.
- Moir v. Schrader* (1936), 56 C.L.R. 310.
Referred to 109 C.L.R. 42.
- Motor Credits (Hire Finance) Ltd. v. Pacific Motor Auctions Pty. Ltd.* (1962), 79 W.N. (N.S.W.) 685.
Reversed 109 C.L.R. 87.
- Pacific Acceptance Corporation Ltd v. Ocean Road Motel Pty. Ltd.*, [1963] V.R. 565.
Affirmed 109 C.L.R. 277.

- Pirie & Real Property Act, Re* (1961), 79 W.N. (N.S.W.) 701.
Reversed 109 C.L.R. 619.
- Porter, Re* (1931), 31 S.R. (N.S.W.) 115.
Distinguished 109 C.L.R. 259.
- R. v. Christie*, [1914] A.C. 545.
Discussed 109 C.L.R. 529.
- Reg. v. Coppel; Ex p. Viney Industries Pty. Ltd.*, [1962] V.R. 630.
Approved 109 C.L.R. 353.
- *v. Graziers' Association of N.S.W.; Ex p. Australian Workers' Union* (1956), 96 C.L.R. 317, *per Fullagar J.*, at p. 337.
Explained 109 C.L.R. 544.
- *v. Victorian Licensing Court; Ex p. Dean*, [1956] V.L.R. 243.
Doubted 109 C.L.R. 129.
- Robertson v. Commissioner of Stamp Duties*, [1958] Qd. R. 342.
Approved 109 C.L.R. 349.
- Rothmans Ltd. v. W. D. & H. O. Wills (Australia) Ltd.* (1955), 92 C.L.R. 131, at p. 134.
Referred to 109 C.L.R. 153.
- Russell v. Walters* (1957), 96 C.L.R. 177.
Applied 109 C.L.R. 225.
- Simms v. West* (1961), 107 C.L.R. 157.
Applied 109 C.L.R. 225.
- Somodaj v. Australian Iron and Steel Ltd.*, [1961] S.R. (N.S.W.) 305; (1960) 77 W.N. 321.
Approved 109 C.L.R. 285.
- [No. 2] (1961), 79 W.N. (N.S.W.) 837.
Affirmed 109 C.L.R. 285.
- Staffs Motor Guarantee Ltd. v. British Wagon Co. Ltd.*, [1934] 2 K.B. 305.
Referred to 109 C.L.R. 87.
- Stapley v. Read Bros. Ltd.*, [1924] 2 Ch. 1.
Referred to 109 C.L.R. 199.
- Stock Motor Ploughs Ltd. v. Forsyth* (1932), 48 C.L.R. 128.
Applied on each point 109 C.L.R. 395.
- Vaughan v. Webb* (1902), 2 S.R. (N.S.W.) 293; 19 W.N. 191.
Referred to 109 C.L.R. 105.
- Vines v. Djordjevitch* (1955), 91 C.L.R. 512.
Applied 109 C.L.R. 143.
- W. D. & H. O. Wills (Australia) Ltd. v. Rothmans Ltd.* (1956), 94 C.L.R. 182, at p. 186.
Referred to 109 C.L.R. 153.

STATUTES JUDICIALLY CONSIDERED.

IMPERIAL

Constitution, The (63 & 64 Vic. c. 12), s. 51 (xxxi.) <i>Jones v. The Commonwealth of Australia</i> - - -	475	1936-1956, ss. 44, 47, 104, 105A. <i>Glenville Pastoral Co. Pty. Ltd. (In Liquidation) v. Federal Commissioner of Taxation</i> - - -	199
s. 51 (xxxv.) <i>Reg. v. Commonwealth Conciliation and Arbitration Commission; Ex p. Printing Industry Employees' Union</i> - - -	544	1936-1956, s. 51. <i>Peyton v. Federal Commissioner of Taxation</i> -	315
s. 92. <i>Nominal Defendant v. Dunstan</i> - - -	143	1936-1957, ss. 19, 92. <i>Jones v. Federal Commissioner of Taxation</i> -	342
s. 92. <i>Bell Bros. Pty. Ltd. v. Rathbone</i> - - -	225	1936-1958, s. 44. <i>Norman v. Federal Commissioner of Taxation</i> -	9
s. 92. <i>I.X.L. Timbers Pty. Ltd. v. The Attorney-General for Tasmania</i>	574	1936-1958, s. 105 (4) (b). <i>Adelaide Stevedoring Co. Ltd. v. Federal Commissioner of Taxation</i> -	309
s. 109. <i>Y.Z. Finance Co. Pty. Ltd. v. Cummings</i> - - -	395	Judiciary Act 1903-1960, s. 35 (1) (a) (2). <i>Kenny v. Hornberg</i> - - -	174
Chap. III. <i>Reg. v. White</i> -	665	1903-1960, s. 86. <i>William Crosby & Co. Pty. Ltd. v. The Commonwealth</i> - - -	490
COMMONWEALTH		Lands Acquisition Act 1955-1957, ss. 5 (1), 10. <i>Jones v. The Commonwealth</i> - - -	475
Acts Interpretation Act 1901-1957, s. 8. <i>G. F. Heublein and Bro. Inc. v. Continental Liqueurs Pty. Ltd.</i> -	153	Life Insurance Act 1945-1959, s. 92. <i>Miles v. Official Receiver in Bankruptcy</i> - - -	501
Bankruptcy Act 1924-1960, s. 91 (b). <i>Miles v. Official Receiver in Bankruptcy</i> - - -	501	1945-1961, s. 67 (4). <i>Re Associated Dominions Assurance Soc. Pty. Ltd. and The Life Assurance Act</i>	516
1924-1960, s. 124. <i>Marek v. Tregenza</i> - - -	1	National Health Act 1953-1962, ss. 111, 125. <i>Reg. v. Thomas; Ex p. Brodsky</i> - - -	434
Bills of Exchange Act 1909-1958. <i>Y.Z. Finance Co. Pty. Ltd. v. Cummings</i>	395	Patents Act 1952-1960, ss. 95, 96. <i>Ex p. British Nylon Spinners Ltd.</i> -	336
Broadcasting and Television Act 1942-1960, (No. 33 of 1942-No. 36 of 1960), ss. 81, 86 (1), 105A, 108. <i>Television Corporation v. The Commonwealth</i> -	59	Public Service Act 1922-1960, Pt. III, Div. 6, s. 55. <i>Reg. v. White</i> - -	665
Conciliation and Arbitration Act 1904-1961, ss. 4, 23, 39. <i>Reg. v. Commonwealth Conciliation and Arbitration Commission; Ex p. Printing Industry Employees' Union</i> - - -	544	Trade Marks Act 1905-1948, ss. 25, 32, 45, 114. <i>The Kendall Co. v. Mulsyn Paint and Chemicals</i> - - -	300
Estate Duty Assessment Act 1914-1950. <i>Tait v. Federal Commissioner of Taxation</i> - - -	349	1905-1948, s. 72 (1). <i>G. F. Heublein and Bro. Inc. v. Continental Liqueurs Pty. Ltd.</i> - - -	153
High Court Procedure Act 1903, s. 32. <i>William Crosby & Co. Pty. Ltd. v. The Commonwealth</i> - - -	490	1955, s. 5 (4), (6). <i>G. F. Heublein and Bro. Inc. v. Continental Liqueurs Pty. Ltd.</i> - - -	153
Income Tax and Social Services Contribution Assessment Act 1936-1956, ss. 6 (1), 170. <i>Batagol v. Federal Commissioner of Taxation</i> - - -	243	1955-1958, ss. 6, 58 (1), 62 (1). <i>The Shell Co. of Australia Ltd. v. Esso Standard Oil (Australia) Ltd.</i> -	407
1936-1956, ss. 6 (1), 221P. <i>Federal Commissioner of Taxation v. Card</i> - - -	177	1955-1958, ss. 25 (1), 26 (1) (2). <i>Kimberley-Clark Corporation v. The Registrar of Trade Marks</i> - - -	526

Trading with the Enemy Act 1939-1952, s. 13D. <i>Attorney-General of the Commonwealth v. Schmidt</i> [No. 2] -	163
— 1939-1952, s. 13D. Attorney-General of the Commonwealth v. Schmidt [No. 3] -	169

NEW SOUTH WALES

Coal Mines Regulation Act, 1912-1953, s. 54, Rule 1 (a). <i>Sherman v. Nymboida Collieries Pty. Ltd.</i> -	580
Conveyancing Act, 1919, ss. 88, 89. <i>Pirie v. Registrar-General</i> -	619
—, 1919-1954, ss. 88 (3) (a), 88, 89. <i>Pirie v. Registrar-General</i> -	619
Fire Brigades Act, 1909-1956, ss. 18, 19, 46. <i>Board of Fire Commissioners of New South Wales v. Ardoun</i> -	105
Long Service Act, 1955, s. 4 (5) (a). <i>Re Associated Dominions Assurance Soc. Pty. Ltd. and The Life Assurance Act</i> 516	
Moneylenders and Infants Loans Act, 1941-1961, s. 24. <i>Y.Z. Finance Co. Pty. Ltd. v. Cummings</i> -	395
Motor Vehicles (Third Party Insurance) Act, 1942-1951, ss. 3, 7 (1). <i>Nominal Defendant v. Dunstan</i> -	143
—, 1942-1951, ss. 5, 7, 30, 45. <i>Nominal Defendant v. Dunstan</i> -	143
Real Property Act, 1900-1956, ss. 42, 43, 121. <i>Pirie v. Registrar-General</i> -	619
Sale of Goods Act, 1923-1953, s. 28. <i>Motor Credits (Hire Finance) Ltd v. Pacific Motor Auctions Pty. Ltd.</i> -	87
Stamp Duties Act, 1920-1959, s. 140 (1) (3) (4). <i>Crowther v. Commissioner of Stamp Duties (N.S.W.)</i> -	377
Statutory Duties (Contributory Negligence) Act, 1945. <i>Sherman v. Nymboida Collieries Pty. Ltd.</i> -	580
Workers' Compensation Act, 1926-1954, ss. 36 (1) (2), 63 (1) (2). <i>Somodaj v. Australian Iron and Steel Ltd.</i> -	285
—, 1926-1957, s. 6 (3) (a). <i>Frauenfelder v. Reid</i> -	42
—, 1926-1960, s. 63 (3). <i>Klein v. Domus Pty. Ltd.</i> -	467

VICTORIA

Acts Interpretation Act 1960, s. 2. <i>Ocean Road Motel Pty. Ltd. v. Pacific Acceptance Corporation Ltd.</i> -	276
Companies Act 1961, ss. 171 (10), 173, 222 (1) (g). <i>Testro Bros. Pty. Ltd. v. Tait</i> -	353
— 1963, s. 2. <i>Testro Bros. Pty. Ltd. v. Tait</i> -	353
Licensing Act 1958, ss. 25, 83 (2) (b). <i>Sandown Park Hotel Pty. Ltd. v. The Queen</i> -	521
— 1958, ss. 246, 247. <i>Marriott v. Coleman</i> -	129
Money Lenders Act 1958, ss. 3, 23. <i>Ocean Road Motel Pty. Ltd. v. Pacific Acceptance Corporation Ltd.</i> -	276
Money Lenders (Amendment) Act 1959, s. 3. <i>Ocean Road Motel Pty. Ltd. v. Pacific Acceptance Corporation Ltd.</i> -	276
— 1961, s. 2. (e). <i>Ocean Road Motel Pty. Ltd. v. Pacific Acceptance Corporation Ltd.</i> -	276
Trustee Act 1958, s. 67. <i>Scott v. Scott</i> -	649

QUEENSLAND

Maintenance Acts, The, 1949 to 1954. -	174
Money Lenders Acts, The, 1916 to 1959, ss. 3, 6, (1). <i>J. B. Witts Pty. Ltd. v. Wholesalers (Australia) Pty. Ltd.</i> -	322

WESTERN AUSTRALIA

State Transport Co-ordination Act, 1933-1961, s. 52 (1) (a). <i>Bell Bros. Pty. Ltd. v. Rathbone</i> -	225
Workers' Compensation Act, 1912-1960, s. 5. <i>Marshall v. Whittaker's Building Supply Co.</i> -	210

TASMANIA

Traffic Act, 1925, s. 20. <i>I.X.L. Timbers Pty. Ltd. v. The Attorney-General for Tasmania</i> -	574
Transport Act 1938. <i>I.X.L. Timbers Pty. Ltd. v. The Attorney-General for Tasmania</i> -	574

RULES, REGULATIONS, ORDINANCES AND ORDERS
IN COUNCIL JUDICIALLY CONSIDERED.

COMMONWEALTH	PAPUA AND NEW GUINEA
<p>High Court Rules, O. 60, r. 12 (2). <i>William Crosby & Co. Pty. Ltd. v.</i> <i>The Commonwealth</i> - - - 490</p> <p style="text-align: center;">NEW SOUTH WALES</p> <p>Motor Vehicles (Third Party Insurance) Regulations, reg. 17. <i>Nominal Defen-</i> <i>dant v. Dunstan</i> - - - 143</p>	<p>Coroner's Ordinance, ss. 10, 21, 26. <i>Wendo v. The Queen</i> - - - 559</p> <p>Evidence and Discovery Ordinance, ss. 58 (i), 68. <i>Wendo v. The Queen</i> - 559</p> <p>Oaths Ordinance, s. 21 (i). <i>Wendo v.</i> <i>The Queen</i> - - - 559</p>

TABLE OF CASES CITED IN JUDGMENTS.

NOTE.—The page numbers are those of the pages where the case is cited in each report. The numbers in brackets show the first footnote on each page containing the references to the cases.

A.		Bell Bros. Pty. Ltd. v. Rathbone (1963) 576 (2), 578 (2)	
Abbott v. Minister for Lands (1895) -	159 (2)	Bennett v. Cooper (1948) - - - 132 (1)	
Abigail v. Lapin (1934) - - -	628 (4)	Berry v. Elyard (1864) - - - 447 (2), 456 (4)	
Adelaide Motors Ltd. v. Federal Commissioner of Taxation (1942)-	313 (1)	Bismag Ltd. v. Amblins (Chemists) Ltd. (1940) - - - 418 (3), 422 (3), 424 (1)	
Ainslie v. Ainslie (1927) - - -	297 (4)	Blackadder v. Good Roads Machinery Co. Inc. (1926) - - - - 304 (1)	
Aldred v. Constable (1844) - - -	295 (6)	Black & Co's Case (1872) - - - 184 (1)	
Aldrich v. Cooper (1803) - - -	510 (1)	Blakeley & Co. Pty. Ltd. v. The Commonwealth (1953) - - - 486 (1)	
Amalgamated Engineering Union (Australian Section), <i>Ex p. The; Re Jackson</i> (1937) - - - - -	291 (1)	Bond v. Barrow Haematite Steel Co. (1902) - - - - - 40 (1), 207 (4)	
Anning v. Anning (1907) - - - -	29 (6)	Boucaut Bay Co. Ltd. (In Liquidation) v. The Commonwealth (1927) - 369 (11)	
Arcade Hotel Pty. Ltd., <i>Re</i> (1962) -	632 (1)	Bound v. Lawrence (1892) - - - 221 (2)	
Archer Bros. v. Federal Commissioner of Taxation (1953) - - - 201 (1), 202 (1), 207 (1), 208 (3)		Bourne v. Swan & Edgar (1903) - 419 (2)	
Aristoc Ltd. v. Rysta Ltd. (1945) -	423 (7)	Bracegirdle v. Peacock (1845) - - 295 (2)	
Arnall v. Gray (1941) 327 (4), 329 (2), 331 (2), 332 (1), 333 (2)		Brady v. Stapleton (1952) - - - 661 (3)	
Assessor for Lanarkshire v. Smith (1933) - - - - -	52 (3)	Bread Manufacturers Ltd, <i>Ex p. ; Re Truth and Sportsman Ltd.</i> (1937) - 610 (1)	
Aston v. Harlee Manufacturing Co. (1960) - - - - -	304 (4)	Brice v. Bannister (1878) - - - 38 (3)	
Atkinson v. Bettison (1955) - - -	223 (2)	Bridgewater Navigation Company <i>In re</i> (1891) - - - - - 207 (3)	
Attorney-General v. Butterworth (1963) - - - - -	602 (1), 615 (3)	Britton Bros. Pty. Ltd. v. Atkins (1963) 576 (1)	
- v. Colonial Sugar Refining Co. Ltd. (1914) - - - - -	438 (3)	Brunker v. Perpetual Trustee Co. (Ltd.) (1937) - - - - - 29 (1)	
- v. Mirror Newspapers Ltd. (1962) - - - - -	602 (2)	Brunsdon v. Humphrey (1885) - - - 292 (2)	
- v. Schmidt (1961) - - - - -	166 (2), 170 (1)	Buchanan v. Kiley (1948) - - - 327 (3), 329 (3), 332 (3), 333 (3)	
- N.S.W. v. Perpetual Trustee Co. (Ltd.) (1952) - - - - -	218 (1)	Bull v. Bull (1955) - - - - - 663 (7)	
Austin v. Mills (1853) - - - - -	297 (3)	C.	
Australian Woollen Mills Ltd. v. Walton & Co. Ltd. (1937) - - -	415 (2)	Calcraft v. Guest (1898) - - - - - 570 (4)	
Automatic Fire Sprinklers Pty. Ltd. v. Watson (1946) - - - - -	519 (1)	Campbell v. Wardlaw (1883) - - - 270 (4)	
B.		Cann's Pty. Ltd. v. The Commonwealth (1946) - - - - - 71 (2)	
Bagnall v. Levinstein Ltd. (1907) -	216 (1)	Capel v. Child (1832) - - - - - 370 (6)	
Baker v. Pryor (1932) 327 (2), 329 (1), 331 (1), 332 (4), 333 (1)		Carless, Capel & Leonard v. F. Pilmore-Bedford & Sons (1928) - - - - 423 (2)	
Balenzuela v. De Gail (1959) - - -	463 (1)	Caswell v. Powell Duffryn Associated Collieries Ltd. (1940) - - - - 590 (2)	
Balfour v. Sea Fire Life Assurance Co. (1857) - - - - -	26 (4)	Cator v. Newton (1940) - - - - - 626 (1)	
Barclay v. Messenger (1874) - - -	453 (2)	Chambers v. Randall (1923) - - - 628 (7)	
Barry v. Heider (1914) - - - - -	628 (2)	Champagne Heidsieck et Cie. etc. v. Buxton (1929) - - - - - 423 (4)	
Batchelor & Co. Pty. Ltd. v. Websdale (1963) - - - - -	399 (2), 401 (1), 404 (1)	Chandler v. Director of Public Prosecutions (1962) - - - - - 50 (1)	
Beddow v. Beddow (1878) - - - - -	166 (1)	Cheetham v. Manchester Corporation (1875) - - - - - - 369 (3)	
Beer, <i>In re; Ex p. Beer</i> (1903) - - -	3 (1)	Clayton v. Ramsden (1943) - - - 70 (4)	
Bell v. David Jones Ltd. (1948) - - -	570 (5)	Cloverdell Lumber Co. Pty. Ltd. v. Abbott (1924) - - - - - 330 (4), 331 (4)	
		Coca-Cola Co. of Canada Ltd, <i>The v. Pepsi-Cola Co. of Canada Ltd.</i> (1942) 418 (4)	

Cockatoo Docks & Engineering Co. Pty. Ltd. v. Dalgety & Co. Ltd. (1939) -	294 (3)
Cocks v. Juncken (1947) -	176 (1)
Cohen v. Cohen (1929) -	494 (1)
Coles v. Steffan & Orr (1951) -	331 (7)
Colgate & Co.; In the Matter of an Application by, for the Registration of a Trade Mark (1913) -	528 (1)
Collier Garland Ltd. v. Hotchkiss (1957)	151 (4)
Collins v. Castle (1887) -	627 (1)
Colonial Mutual Life Assurance Society Ltd. v. Producers & Citizens' Co- operative Assurance Company of Australia Ltd. (1931) -	579 (1)
Collyer v. Isaacs (1881) -	24 (2)
Commonwealth Trust Ltd. v. Akotey (1926) -	98 (1)
Comptroller of Stamps (Vict.) v. Howard-Smith (1936) -	23 (1)
Concord Municipal District v. Coles (1905) -	629 (6)
Consolidated Press Ltd. v. McRae (1955) -	601 (4), 606 (7)
— v. Thompson (1952) -	519 (2)
Continental Liqueurs Pty. Ltd. v. G. F. Heublein and Bro. Inc. (1960)	157 (8)
Cooper v. Wandsworth District Board of Works (1863) -	370 (8)
Cope v. Sharpe (No. 2) (1912) -	127 (1)
Cornelius v. Phillips (1918) -	327 (1)
— v. The King (1936) -	572 (5)
Courtaulds Ltd.'s Application, In the Matter of (1956) -	341 (1)
Craig v. The King (1933) -	540 (1)
Crease v. Barrett (1835) -	463 (3)
Crothers, <i>In re</i> ; Crothers v. Crothers (1930) -	513 (1), 514 (2), 515 (3)
Crown Bank, <i>In re</i> ; <i>In re</i> O'Malley (1890) -	603 (1)
Curtin, <i>In re</i> (1893)	132 (2), 136 (1), 140 (1)
D.	
Daborn v. Bath Tramways Motor Co. Ltd. (1946) -	125 (2)
Dairymen's Foremen and Tailors' Cutters, <i>Re</i> (1912) -	221 (3)
Davies v. Adelaide Chemical and Fertilizer Co. Ltd. (1946) -	590 (1)
Dawson, <i>Ex p.</i> ; <i>Re</i> Australian Con- solidated Press Ltd. (1961) -	610 (3)
de Cordova v. Vick Chemical Co. (1951)	414 (1), 415 (1)
Delta Properties Pty. Ltd. v. Brisbane City Council (1955) -	370 (10), 376 (1)
Dickason v. Edwards (1910) -	365 (4)
Dilworth v. Commissioner of Stamps (1899) -	398 (2), 402 (1), 405 (1)
Diwell v. Farners (1959) -	663 (6)
Docker v. Somes (1834) -	661 (1)
Doe v. Davies (1847) -	572 (3)
Dorin v. Harvey (1845) -	447 (1), 456 (2)
Dowling v. Bowie (1952) -	150 (1)
Dunlop Rubber Co. Ltd., <i>In re</i> , Appli- cation by (1942) -	528 (2)

E.

Eads v. Williams (1854) -	453 (1)
Earle (G. & T.) (1925) Ltd. v. Hems- worth R.D.C. (1928) -	21 (3)
Eastern Distributors Ltd. v. Goldring (Murphy, Third Party) (1957) -	97 (1), 100 (2), 102 (2), 103 (1)
Education, Board of v. Rice (1911) -	369 (12)
Edward Young & Co. Ltd. v. Grierson Oldham & Co. Ltd. (1924)	419 (3), 423 (1), 426 (3)
Ellenborough, <i>In re</i> (1903)	21 (2), 32 (3)
Elliston v. Reacher (1908) -	629 (1), 631 (1), 637 (1)
Eloff v. Lewis & Reid Ltd. (1922) -	219 (2)
Erlanger v. New Sombrero Phosphate Co. (1878) -	453 (5)
Este, <i>Re</i> (1940) -	515 (4)
Evening News, The, <i>Re</i> (1880) -	610 (4)
Exmouth, <i>In re</i> ; Exmouth v. Praed (1883) -	70 (2)
F.	
Farbenfabriken Bayer Aktiengesell- schaft v. Bayer Pharma Pty. Ltd. (1959) -	438 (2)
Fawcett Properties Ltd. v. Bucking- ham County Council (1959) -	73 (1)
Filius v. Morland (1963) -	464 (1)
Fire Commissioners, Board of v. Row- land (1960)	110 (1), 112 (2), 114 (1), 116 (1), 118 (1), 120 (1), 122 (3), 125 (1)
Fitzgerald v. Masters (1956)	451 (3), 453 (3)
Flitters v. Allfrey (1874) -	299 (1)
Fox's Case (1956) -	183 (2)
Franklyn, <i>In re</i> (1913) -	663 (3)
Fraser Henleins Pty. Ltd. v. Cody (1945) -	414 (2), 419 (9)

G.

Gardner, <i>Re</i> (1938) -	221 (4)
Gay, <i>Re</i> (1943) -	4 (4)
General Rolling Stock Company (Chapman's Case), <i>In re</i> (1866) -	518 (1)
George Angus & Co. Ltd.'s Application (1943) -	419 (5)
German v. Yates (1915) -	28 (1), 32 (6)
Gibson v. Patterson (1737) -	452 (2)
Gilmore v. Baker-Carr (1962) -	52 (2)
Glegg v. Bromley (1912) -	32 (4)
Glover v. Dixon (1853) -	295 (7)
Gordon v. Australian & New Zealand Theatres Ltd. (1940) -	151 (2)
Grantham v. Hawley (1615) -	25 (2)
Grant v. National Coal Board (1956) -	589 (1)
Gravesend Corporation v. Kent County Council (1934) -	663 (8)
Great West Permanent Loan Co. v. Friesen (1925) -	628 (3)

Green v. United States (1958) - 614 (3)
 Grosvenor and West-End Railway
 Terminus Hotel Co. Ltd., *Re* (1897) 364 (1),
 366 (1), 370 (12), 373 (1), 374 (1), 375 (1)

H.

Hack's Application, *In re* (1940) - 305 (1)
 Hall v. Barrows (1863) - - - 304 (5)
 Hallett's Estate, *In re*; Knatchbull
 v. Hallett (1880) - - - 659 (4), 664 (2)
 Hamilton v. Halesworth (1937) - 123 (4)
 Harbon v. Geddes (1935) - - - 296 (1)
 Hardmuth (Great Britain) Ltd. v.
 Bancroft & Partners Ltd. (1953) - 422 (4)
 Hardy v. Ryle (1829) - - - 219 (1)
 Hassell v. Perpetual Executors Trustees
 & Agency Co. (W.A.) Ltd. and Ball
 (1952) - - - - - 270 (3), 272 (1)
 Hearts of Oak Assurance Co. Ltd. v.
 Attorney-General (1932) 371 (2), 375 (2)
 Henry Clay & Rock & Co. Ltd. v. Eddy
 (1915) - - - - - 419 (8)
 Henry Heath Ltd. v. Frederick Gor-
 ringe Ltd. (1924) - - - - - 422 (1)
 Henwood v. Municipal Tramways Trust
 (S.A.) (1938) - - - - - 590 (5)
 Herbert v. Edleston (1909) - - - 220 (1)
 Heublein Inc. v. Continental Liqueurs
 Pty. Ltd. (1960) - - - - - 159 (1)
 Heydon v. Thompson (1834) - - - 295 (4)
 Heyman v. Darwins Ltd. (1942) - 446 (1)
 Hine v. O'Connor (1951) - - - 126 (3)
 Hoad v. Swan (1920) - - - - - 446 (3)
 Hoare & Co. Ltd. *In re* (1904) 207 (2), 208 (1)
 Holland v. Boland (1953) - - - 51 (1), 55 (3)
 Holland, *Re*; *Ex p.* Holland (1928) - 514 (4)
 Holroyd v. Marshall (1862) - - - 24 (1)
 Holt v. Heatherfield Trust (1942) - 31 (7),
 32 (5)
 Horwood v. Millar's Timber and
 Trading Co. Ltd. (1917) - - - 21 (7)
 Hopper v. Conyers (1866) - - - 659 (3)
 House v. The King (1936) - - - 7 (1)
 Houstoun v. Marquis of Sligo (1885) - 299 (2)
 Hughes, *Ex p.* (1854) - - - - - 53 (3)
 Hughes v. The State of Tasmania (1955) 231 (1),
 232 (1), 238 (3), 242 (1)
 Hughes and Vale Pty. Ltd. v. The
 State of N.S.W. [No. 1] (1955) - 236 (1)
 v. - - - [No. 2] (1955) - 151 (3)
 Humberstone v. Northern Timber Mills
 (1949) - - - - - 218 (6)
 Hunt v. Clarke (1889) - - - - - 605 (8)
 Hyde v. Sullivan (1956) - - 327 (5), 331 (6),
 335 (1)

I.

Inland Revenue Commissioner v.
 Burrell (1924) - - - - - 206 (2), 208 (2)
 Irving's Yeast-Vite Ltd. v. F. A.
 Horsenail (1934) - 417 (1), 418 (1), 423 (5)

J.

James, *Ex p.*; *In re* Condon (1874) - 519 (3)
 James Minifie & Company v. Edwin
 Davey & Sons (1933) - - - 419 (6)
 Jaques v. Steam Tug Alexandra (1921) 221 (1)
 J. B. Stone & Co. Ltd. v. Steelace
 Manufacturing Co. Ltd. (1929) - 422 (2),
 423 (3), 426 (1)
 Jenkins v. Brahe & Gair (1902) 510 (3), 514 (3)
 John Fairfax & Sons Pty. Ltd. v.
 McRae (1955) - - - 601 (5), 606 (3)
 Johnson & Co. v. Minister of Health
 (1947) - - - - - 369 (2)
 Jones, *Ex p.* (1806) - - - - - 607 (2)
 Jones v. Insurance Commissioner
 (1940) - - - - - 220 (3)
 Jones v. Skinner (1835) - - - 184 (3)
 Judiciary and Navigation Acts, *In re*
 (1921) - - - - - 438 (1)

K.

Kavanagh v. Gudge (1844) - - - 295 (3)
 Kear, *Ex p.*; *Re* Consolidated Press
 Ltd. (1954) - - - - - 612 (2)
 Keet, *In re* (1905) - - - - - 4 (6)
 Keir v. Gillespie (1920) - - - 53 (1)
 Kekewich v. Manning (1851) 30 (4), 33 (3)
 Kelly v. Barrett (1924) - - - 629 (3)
 Kidax (Shirts) Ltd's Application (1960) 305 (3)
 Kilboy v. South Eastern Fire Area
 Joint Committee (1952) - - - 126 (5)
 King, *Re* (1879) - - - - - 31 (6)
 King & Co.'s Trade Mark, *In re* (1892) 365 (3),
 368 (5)
 King Gee Clothing Co. Pty. Ltd. v.
 The Commonwealth (1945) - - - 71 (1)
 Kinleyside v. Irwin (1961) - - - 446 (4)
 Knatchbull v. Fearnhead (1837) - 663 (2)
 Koenigsblatt v. Sweet (1923) - - - 451 (2)
 Kuruma v. The Queen (1955) 562 (1), 570 (6)

L.

Laffer v. Gillen (1927) - - - - - 369 (7)
 Lampet's Case (1612) - - - - - 26 (1)
 Lapointe v. L'Association de Bien-
 faisance (1906) - - - - - 368 (4)
 Latter v. Muswellbrook Corporation
 (1936) - - - - - 287 (1), 296 (2), 470 (1)
 L'Estrange v. L'Estrange (1850) - 27 (2)
 Lett v. Morris (1831) - - - - - 38 (2)
 Lin, *Re*; *Law v.* Lin (1960) - - - 515 (2)
 Lind, *In re*; Industrials Finance
 Syndicate Ltd. v. Lind (1915) - 24 (4)
 Lindsay Petroleum Co. v. Hurd (1874) 453 (4)
 Little v. The Commonwealth (1947) - 123 (5)
 Liverpool & London and Globe
 Insurance Co. v. Hartley & Ford
 (1927) - - - - - 32 (2)
 Liversidge v. Anderson (1942) - - - 369 (9)

- Lloyd v. Collett (1793) - - - 452 (3)
 — v. Mostyn (1842) - - - 570 (3)
 — v. Public Trustee (N.S.W.)
 (1930) - - - 514 (1)
 Lockwood v. The Commonwealth
 (1954) - - - 438 (4)
 London County Council v. Allen (1914) 628 (6)
 Lord Carteret v. Paschal (1733) - 31 (2)
 Lord Provost etc. of Edinburgh v.
 Lord Advocate (1879) - 660 (1), 663 (4)
 Lunn v. Thornton (1845) 20 (1), 25 (5)
- M.
- McArdle, *In re* (dec'd) (1951) 21 (5), 30 (2),
 31 (8)
 McBride v. Hudson (1962) - - 270 (2)
 McDermott v. The King (1948) - 565 (3)
 MacDowall's Case (1886) - - 518 (2)
 McLellan v. Bowyer (1961) - - 463 (2)
 McLeod v. St. Aubyn (1899) - - 602 (8)
 Mace v. Murray (1955) - - - 7 (2)
 Manchester and Milford Railway Co.
In re; *Ex p.* Cambrian Railway
 Co. (1880) - - - 183 (1)
 Mark Foy's Ltd. v. Davies Coop & Co.
 Ltd. (1956) - - 417 (2), 418 (2), 423 (8)
 Marquis of Hertford v. Boore (1801) - 445 (3)
 Marriage v. East Norfolk Rivers
 Catchment Board (1950) - - 117 (1)
 Mason v. New South Wales (1959) - 394 (1)
 Master v. Miller (1791) - - - 26 (3)
 Mathias v. Mathias (1858) - - - 659 (7)
 Mayfair Trading Co. Pty. Ltd. v.
 Dreyer (1958) - 327 (6), 328 (1), 330 (1),
 331 (5), 334 (1)
 Meat Industry Board v. Finlayson
 (1916) - - - 369 (6)
 Mercantile Bank of India Ltd. v.
 Central Bank of India Ltd. (1938) - 98 (2)
 Metropolitan Water Sewerage & Drain-
 age Board v. O.K. Elliott Ltd. (1934) 127 (2)
 Metzler v. Gounod (1874) 603 (9), 617 (1)
 Miles v. Easter (1933) 628 (8), 629 (4), 634 (1)
 Milroy v. Lord (1862) - - - 33 (1)
 Milward v. Earl of Thanet (1801) - 445 (4)
 Mixnam's Properties Ltd. v. Chertsey
 Urban District Council (1963) - 71 (3)
 Moir v. Schrader (1936) - 47 (1), 56 (1)
 Moons v. De Bernales (1826) - - 663 (1)
 Moore v. Blake (1808) 445 (1), 455 (1), 456 (3)
 More v. More (1962) - - - 4 (1)
 Munro Brice & Co. v. War Risks
 Association Ltd. (1918) - - 151 (1)
 Musgrave v. The Commonwealth (1937) 494 (2)
- N.
- Nakkuda Ali v. Jayaratne (1951) - 362 (4),
 363 (2), 369 (10), 370 (2)
 National Coal Board v. England (1954) 590 (6)
 National Insurance Co. of New
 Zealand Ltd. v. Espagne (1961) - 590 (3)
 Newton Abbot Co-operative Society
 Ltd. v. Williamson & Treadgold
 Ltd. (1952) - - - 629 (5), 634 (2)
- Nisbet & Potts' Contract, *In re* (1906) 628 (1)
 Norris v. William Moss & Sons Ltd.
 (1954) - - - 591 (1)
- O.
- O'Connor v. S. P. Bray Ltd. (1937) - 297 (1)
 O'Donel v. Commissioner for Road
 Transport and Tramways (N.S.W.)
 (1938) - - - 292 (1), 294 (2), 299 (3)
 O'Sullivan, *Ex p.*; *Re* Craig (1944) - 414 (4),
 419 (7)
 Oatway, *In re*; *Hertslet v. Oatway*
 (1903) - - - 659 (6)
 Ochberg v. Commissioner of Stamp
 Duties (1949) - - - 386 (1)
 (1943) - - - 386 (3)
 Oriental Inland Steam Company, *In re*;
Ex p. Scinde Railway Co. (1874) - 184 (2)
 Oropesa, *The* (1943) - - - 292 (3)
- P.
- Pacific Acceptance Corporation Ltd.
 v. Marine Food Products Pty. Ltd.
 (1959) - - - 403 (2)
 Packer v. Peacock (1912) 601 (2), 605 (1),
 611 (2), 612 (1), 615 (4)
 Packett v. The King (1937) - - 540 (3)
 Palette Shoes Pty. Ltd. v. Krohn (1937) 25 (1)
 Palser v. Grinling (1948) - - - 223 (1)
 Parke Davis & Co. v. Commissioner of
 Taxation (1959) - - - 206 (1)
 Paton, *Ex p.* (1929) - - - 141 (3)
 Patrick, *In re* (1891) - - - 33 (2)
 Performing Right Society Ltd. v.
 London Theatre of Varieties Ltd.
 (1924) - - - 30 (1)
 Perpetual Trustee Co. (Ltd.) (Blyth
 Estate) v. Commissioner of Stamp
 Duties (1962) - 384 (1), 387 (1), 388 (2)
 Petch v. Tutin (1846) - - - 25 (3)
 Phayre v. Peree (1815) - - - 659 (1)
 Pinewood Estate, Farnborough, *In re*
 (1958) - - - 630 (1)
 Police, Commissioner of v. Tanos (1958) 370 (11)
 Porter, *In re*; Porter v. Porter (1930) 270 (1)
 Porter v. The King; *Ex p.* Yee (1926) 601 (3),
 603 (4), 617 (3)
 Price v. Blakemore (1843) - - 659 (2)
 Primeau v. Granfield (1911) - - 664 (1)
 Producers' Co-operative Distributing
 Society Ltd. v. Commissioner of
 Taxation (N.S.W.) (1944) - - 53 (4)
 Professional Engineers' Case (1959) - 551 (1)
 Pulley v. Public Trustee (1956) - - 32 (1)
 Pumphrey, *In re* (1882) - - - 659 (8)
- Q.
- Queensland Stations Pty. Ltd. v.
 Federal Commissioner of Taxation
 (1945) - - - 218 (4)

- R.
- R. v. Almon* (1765) - 601 (1), 613 (1)
 — *v. Blackburn*; *Ex p. Transport Workers' Union of Australia* (1953) 554 (1)
 — *v. Brislan*; *Ex p. Williams* (1935) 485 (1)
 — *v. Clarke*; *Ex p. Crippen* (1910) 601 (6), 605 (10), 606 (5)
 — *v. Clement* (1821) - 614 (2)
 — *v. Christie* (1914) 536 (1), 538 (2), 539 (2)
 — *v. Coppel*; *Ex p. Viney Industries Pty. Ltd.* (1962) - 360 (3), 361 (1), 362 (1), 365 (1), 367 (1), 371 (1), 374 (2)
 — *v. Daily Mirror*; *Ex p. Smith* (1927) - 601 (7), 602 (3), 606 (10), 611 (1), 616 (5), 618 (1)
 — *v. Davies* (1906) - 606 (1)
 — *v. Davies*; *Ex p. Delbert-Evans* (1945) - 601 (8)
 — *v. Duffy*; *Ex p. Nash* (1960) - 601 (9), 615 (2)
 — *v. Deputy Federal Commissioner of Taxation (S.A.)*; *Ex p. Hooper* (1926) - 256 (1)
 — *v. Electricity Commissioners*; *Ex p. London Electricity Joint Committee Co.* (1924) - 362 (2), 369 (4), 370 (4)
 — *v. Graziers' Association of N.S.W.*; *Ex p. Australian Worker's Union* (1956) - 556 (1)
 — *v. Grills* (1910) - 535 (4), 538 (1), 541 (1)
 — *v. Kelly*; *Ex p. Australian Railways Union* (1953) - 551 (2)
 — *v. Leatham* (1861) - 570 (1)
 — *v. Leckey* (1944) - 535 (1)
 — *v. Lee* (1950) - 565 (1)
 — *v. Legislative Committee of the Church Assembly*; *Ex p. Haynes-Smith* (1928) - 363 (1), 370 (1)
 — *v. Macfarlane*; *Ex p. O'Flanagan and O'Kelly* (1923) - 369 (8)
 — *v. McLintock* (1962) - 572 (2)
 — *v. Mills & Lemon* (1947) - 541 (2)
 — *v. Norton* (1910) - 538 (4), 539 (1)
 — *v. Odhams Press Ltd.* (1957) - 605 (6), 616 (2), 617 (5)
 — *v. O'Dogherty* (1848) - 603 (8)
 — *v. Parke* (1903) - 630 (10), 605 (2), 606 (2), 615 (1), 616 (4)
 — *v. Payne and Cooper* (1896) - 603 (2)
 — *v. Reed* (1829) - 570 (2)
 — *v. Rigby* (1956) - 217 (3)
 — *v. Sartori* (1961) - 572 (1)
 — *v. Sharpe and Stringer* (1938) - 618 (2)
 — *v. Twist* (1954) - 535 (2)
 — *v. Victorian Licensing Court*; *Ex p. Dean* (1956) - 137 (1), 139 (1)
 — *v. Wright*; *Ex p. Waterside Workers' Federation* (1955) - 369 (5)
R. Delmuth Ltd's Application (1948) 419 (1)
Radio Corporation Pty. Ltd. v. Disney (1937) - 305 (6)
Ravok (Weatherwear) Ltd. v. National Trade Press Ltd. (1955) - 424 (3)
Regal (Hastings), Ltd. v. Gulliver (1942) - 658 (1)
Reid v. Bickerstaff (1909) - 629 (2)
 — *v. Explosives Company* (1887) - 518 (3)
Ridge v. Baldwin (1963) - 369 (13), 370 (3)
Roach v. Garvan (1742) - 614 (1)
Robertson v. Commissioner of Stamp Duties (1958) - 351 (1)
Rogers v. Custance (1841) - 295 (1)
 — *v. Hosegood* (1900) - 628 (10)
Rose, In re; *Midland Bank Executor and Trustee Co. Ltd. v. Rose* (1949) 23 (2), 29 (4)
 — *In re*; *Rose v. Inland Commissioners* (1952) - 23 (3), 29 (5)
Ross v. Ross & Bowman Pty. Ltd. (1942) - 217 (1)
Rothmans Ltd. v. W. D. & H. O. Wills (Australia) Ltd. (1955) - 158 (1)
Roxburghe v. Cox (1881) - 27 (3)
Russell v. Walters (1957) 229 (2), 231 (2), 236 (2), 237 (1), 238 (1), 578 (1)
- S.
- Sandbrook, In re*; *Noel v. Sandbrook* (1912) - 70 (1)
Saville Perfumery Ltd. v. June Perfect Ltd. (1941) - 420 (1), 423 (6)
S. Berendsen Ltd. v. Inland Revenue Commissioners (1958) - 311 (2)
Scadden, In re (1895) - 136 (2), 141 (1)
Scammell, G. & Nephew Ltd. v. Hurley (1929) - 123 (3)
Scarr v. Wurzal (1951) - 52 (5)
Schweppes Ltd. v. E. Rowlands Pty. Ltd. (1910) - 419 (4)
Scott, In re (1901) - 388 (3)
Scott v. The Minister of National Revenue (1961) - 257 (2)
Senkovitch, Ex p. (1910) - 606 (9)
Seymour's Application, In re (1902) - 141 (4)
Sharp v. Wakefield (1891) - 367 (2)
Shaw v. Director of Public Prosecutions (1962) - 617 (2)
Shell Co. of Australia Ltd. v. Rohm and Haas Co. (1949) - 304 (2)
Short v. J. & W. Henderson Ltd. (1946) 218 (5)
Shrimpton v. The Commonwealth (1945) - 74 (1), 75 (1)
Sifton v. Sifton (1938) - 70 (3)
Simms v. West (1961) 229 (1), 231 (3), 232 (2), 236 (3), 237 (2), 238 (4), 240 (1), 242 (2)
Sinclair v. The King (1946) 562 (4), 573 (2)
Singer v. Williams (1921) - 403 (1)
Skates v. Jones & Co. (1910) 47 (2), 57 (1)
Skipworth's Case (1873) - 602 (6)
Smart, Ex p. (1867) - 639 (1)
Smith, Re (1901) - 29 (3)
 — *v. Coles* (1905) - 55 (2)
 — *v. The Queen* (1878) 368 (1), 370 (7)
South Australian Ambulance Transport Incorporated v. Wahlheim (1948) - 128 (4)

Southern Cross Refrigerating Co. v. Toowoomba Foundry Pty. Ltd. (1954)	305 (2)		
Spackman v. Plumstead Board of Works (1885)	- - -	365 (2)	
Staffs Motor Guarantee Ltd. v. British Wagon Co. Ltd. (1934)	-	100 (1), 102 (1)	
Stamp Duties, Commissioner of (N.S.W.) v. Millar (1932)	- - -	386 (2)	
Stapleton v. Federal Commissioner of Taxation (1955)	- - -	186 (1)	
Stapley v. Gypsum Mines Ltd. (1953)	590 (4)		
— v. Read Bros. Ltd. (1924)	-	207 (5)	
St. James Evening Post Case (1742)	-	602 (5), 607 (1)	
Steel Wing Co. Ltd., <i>Re</i> (1921)	-	29 (8)	
Stevenson Jordan & Harrison Ltd. v. Macdonald & Evans (1952)	- - -	218 (8)	
Stewart v. Eddowes (1874)	- - -	451 (1)	
Stirling v. Associated Newspapers Ltd. (1960)	- - -	606 (4)	
Stock Motor Ploughs Ltd. v. Forsyth (1932)	- - -	400 (1), 401 (2)	
Suffolk v. Greenville (1641)	- - -	31 (4)	
Suttor, <i>In re</i> ; <i>Ex p.</i> Suttor (1901)	-	4 (3)	
Sydney Corporation v. Harris (1912)	-	370 (9)	
Syme, <i>In re</i> ; <i>Ex p.</i> Worthington (1902)	-	605 (4)	
T.			
Tailby v. Official Receiver (1888)	-	21 (1), 22 (1), 24 (3)	
Tansey v. Renown Collieries Ltd. (1945)	-	221 (5)	
Tatem & Co. (1915) Ltd. v. Gaumont Co. Ltd. (1917)	- - -	410 (1), 420 (2)	
Taxation, Federal Commissioner of v. Blakely (1951)	- - -	202 (3)	
— v. Happ (1952)	- - -	348 (1)	
— v. Hoffnung & Co. Ltd. (1928)	-	252 (1)	
— v. Stevenson (1937)	- - -	202 (2)	
— v. West Australian Tanners and Fellmongers Ltd. (1945)	-	313 (2)	
Thomson v. Richardson (1928)	-	452 (1)	
Thornley, <i>In re</i> ; Boyd v. Thornley (1925)	- - -	271 (2)	
Tremain, <i>In re</i> (1934)	-	514 (7), 515 (6)	
Trimmer v. Bayne (1803)	- - -	511 (3)	
Tulk v. Moxhay (1848)	-	627 (2), 628 (5)	
U.			
Unemployment Insurance Act, The, and Stephens, <i>In re</i> (1938)	- - -	52 (1)	
Union Steamship Co. of New Zealand Ltd. v. Burnett (1937)	- - -	297 (2)	
University of Ceylon v. Fernando (1960)	- - -	365 (5)	
V.			
Vaughan v. Webb (1902)	-	112 (1), 114 (2), 115 (1), 116 (2), 118 (2), 122 (1), 123 (2)	
Vellacott, <i>In re</i> (1922)	-	53 (2), 55 (1)	
Venture, The (1908)	- - -	663 (5)	
Vines v. Djordjevitch (1955)	- - -	150 (2)	
Voyle v. Hughes (1854)	- - -	31 (1)	
Vyse v. Foster (1874)	- - -	661 (2)	
W.			
W , <i>In re</i> (a lunatic) (1901)	512 (1), 514 (5)		
Walker v. Bradford Old Bank Ltd. (1884)	- - -	38 (1)	
Walters v. Wright (1938)	- - -	52 (4)	
Ward, <i>In re</i> (1942)	- - -	4 (2)	
— v. London County Council (1938)	126 (2)		
Watkins, <i>In re</i> (1938)	- - -	515 (5)	
Watt v. Hertfordshire County Council (1954)	- - -	126 (1)	
Way v. Ridley (1958)	- - -	217 (2)	
W. D. & H. O. Wills (Australia) Ltd. v. Rothmans Ltd. (1956)	158 (2), 305 (5)		
Webb v. Smith (1885)	- - -	511 (2)	
Wertheim, <i>In re</i> ; Williams v. Wertheim (1934)	- - -	509 (1), 512 (2), 514 (8)	
Wheeler v. Senior (1841)	- - -	295 (5)	
Wicks v. Bennett (1921)	- - -	642 (1)	
William Brandts' Sons & Co. v. Dunlop Rubber Co. (1905)	- - -	28 (2)	
Williams v. Atlantic Assurance Co. (1933)	- - -	29 (7)	
Wishart v. Fraser (1961)	- - -	229 (3)	
Wood, <i>Re</i> (1949)	- - -	514 (6)	
Wood and Foster's Case (1586)	- - -	25 (4)	
Wood v. Woad (1874)	- - -	368 (3)	
Wolf v. Colorado (1949)	- - -	562 (2)	
Woolmington v. Director of Public Prosecutions (1935)	- - -	562 (3)	
Wolfson v. Registrar-General (N.S.W.) (1934)	- - -	623 (1)	
W. P. Keighery Pty. Ltd. v. Commissioner of Taxation (1957)	- - -	311 (1)	
Y.			
"Yanx", <i>Re</i> (1951)	- - -	304 (3)	
Yeast-Vite Case (1933)	- - -	426 (2)	
Z.			
Zetland (Marquess) v. Driver (1939)	-	628 (9)	
Zuijs v. Wirth Brothers Pty Ltd. (1955)	218 (3)		