

1940-1941.

THE

COMMONWEALTH LAW REPORTS

CASES DETERMINED IN THE

HIGH COURT OF AUSTRALIA.

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JUSTICES OF THE HIGH COURT
OF AUSTRALIA

DURING THE CURRENCY OF THIS VOLUME.

THE RIGHT HONOURABLE SIR JOHN GREIG LATHAM, P.C., G.C.M.G.,
CHIEF JUSTICE.

THE RIGHT HONOURABLE SIR GEORGE EDWARD RICH, P.C., K.C.M.G.,
ACTING CHIEF JUSTICE.

THE HONOURABLE SIR HAYDEN ERSKINE STARKE, K.C.M.G.

THE HONOURABLE SIR OWEN DIXON, K.C.M.G.

THE HONOURABLE EDWARD ALOYSIUS McTIERNAN.

THE HONOURABLE DUDLEY WILLIAMS.

ATTORNEY-GENERAL :

THE RIGHT HONOURABLE WILLIAM MORRIS HUGHES, P.C., K.C., M.P.

THE HONOURABLE HERBERT VERE EVATT, K.C., M.P., LL.D.

MEMORANDA

1940

Oct. 15—THE HONOURABLE DUDLEY WILLIAMS, M.C., a Judge of the Supreme Court of the State of New South Wales, was appointed to be a Justice of the High Court of Australia.

1940-1941—On 12th November 1940 THE RIGHT HONOURABLE SIR JOHN GREIG LATHAM, P.C., G.C.M.G., Chief Justice of the High Court of Australia, was appointed to the office of Envoy Extraordinary and Minister Plenipotentiary for the Commonwealth of Australia in Japan. A period of leave of absence as Chief Justice was granted to him, beginning on that date. The resignation of Sir John Latham from the office of Envoy Extraordinary and Minister Plenipotentiary for the Commonwealth of Australia in Japan was accepted as from 31st December 1941, and as from that date the period of leave of absence was terminated.

1940-1941—During the absence of the Chief Justice from Australia, from 12th November 1940 to 13th November 1941, the senior Justice, THE RIGHT HONOURABLE SIR GEORGE EDWARD RICH, P.C., K.C.M.G., was, pursuant to sec. 4 of the *Judiciary Act* 1940, designated Acting Chief Justice.

1941

Jan. 1—THE HONOURABLE OWEN DIXON, one of the Justices of the High Court of Australia, was created a Knight Commander of the most distinguished Order of St. Michael and St. George.

Oct. 7—THE HONOURABLE HERBERT VERE EVATT, K.C., M.P., LL.D., was appointed His Majesty's Attorney-General in and for the Commonwealth of Australia in the place of THE RIGHT HONOURABLE WILLIAM MORRIS HUGHES, P.C., K.C., M.P.

MEMORANDA

RESPECTING

APPLICATIONS FOR LEAVE TO APPEAL FROM THE HIGH COURT OF AUSTRALIA TO THE PRIVY COUNCIL.

During the year 1939 the Privy Council refused leave to appeal from the High Court in the following cases:—

CARRIER AUSTRALASIA LTD. v. HUNT (61 C.L.R. 534)—Dec. 7.

I'ANSON v. GREENE (Unreported: See 60 C.L.R. 826)—May 12.

MILLARS TIMBER AND TRADING CO. LTD. v. TAYLOR (60 C.L.R. 562)—May 23.

YERKEY v. JONES (63 C.L.R. 649)—Dec. 7.

[The dates following the titles of the cases are those of the decisions of the Privy Council.]

CORRIGENDA.

Page 71.—In twelfth line from bottom of page, for "under sec. 43" read "under sec. 33."

Page 198.—In lines 21 and 22, for "in the prohibited manner (*Pankhurst, Suter & Baines v. Porter* (2); *Sickerdick v. Ashton* (3)). The regulation" read "in the prohibited manner. [Counsel referred to *Pankhurst, Suter & Baines v. Porter* (2).] In *Sickerdick v. Ashton* (3) the regulation".

Page 336.—In seventh line from bottom of page, for "that" read "than."

Page 425.—In sixteenth line from bottom of page, for "defendant" read "dependant."

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

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