

1947-1948.

THE

COMMONWEALTH LAW
REPORTS

CASES DETERMINED IN THE

HIGH COURT OF AUSTRALIA

EDITOR :

B. P. MACFARLAN, B.A., LL.B., *Barrister-at-Law.*

REPORTERS :

New South Wales . JOSEPH BALES, LL.B.
Victoria E. F. HEALY, LL.M.
South Australia . . C. C. BREBNER, LL.B.
Tasmania R. C. WRIGHT, B.A., LL.B.
Queensland B. J. JEFFRIESS.
Western Australia . *Barristers-at-Law.*

VOL. 76.

Australia :

THE LAW BOOK CO. OF AUSTRALASIA PTY LTD.

SYDNEY - - - 140 PHILLIP STREET.
MELBOURNE - - - 425 CHANCERY LANE.
BRISBANE - - - 21 ADELAIDE STREET.

Wholly set up and 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 JOHN GREIG LATHAM, P.C., G.C.M.G.,
CHIEF JUSTICE.

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

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.

THE HONOURABLE SIR WILLIAM FLOOD WEBB.

ATTORNEY-GENERAL:

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

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

76 C.L.R.

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

	PAGE		PAGE
A.		Commonwealth ; Bank of New	
Adkins <i>v.</i> Adkins - - - -	623	South Wales <i>v.</i> - - - -	1
Armco (Australia) Pty. Ltd. <i>v.</i>		Cooper ; Bennett <i>v.</i> - - - -	570
Federal Commissioner of Taxation - - - -	584	D.	
Associated Blue Star Stores Pty. Ltd. (In Liquidation) ; Downs Distributing Co. Pty. Ltd. <i>v.</i>	463	De Bortoli <i>v.</i> Kenny - - - -	453
B.		Downs Distributing Co. Pty. Ltd. <i>v.</i> Associated Blue Star Stores Pty. Ltd. (In Liquidation)	463
Bank of New South Wales <i>v.</i> Commonwealth - - - -	1	F.	
Bartlam ; Union Trustee Co. of Australia Ltd. <i>v.</i> - - - -	492	Farnworth ; Wilton <i>v.</i> - - - -	646
Bennett <i>v.</i> Cooper - - - -	570	Field Peas Marketing Board (Tas.) ; Clements & Marshall Pty. Ltd. <i>v.</i>	401
Bischof <i>v.</i> Trotter - - - -	520	_____ <i>v.</i> _____ - - - -	414
Burling <i>v.</i> Chas. Steele & Co. Pty. Ltd. - - - -	485	H.	
C.		Henderson <i>v.</i> Henderson - - - -	529
Chas. Steele & Co. Pty. Ltd. ; Burling <i>v.</i> - - - -	485	Holmes ; Orr <i>v.</i> - - - -	632
Clements & Marshall Pty. Ltd. ; Field Peas Marketing Board (Tas.) <i>v.</i> - - - -	414	K.	
_____ <i>v.</i> _____ - - - -	401	Kenny ; De Bortoli <i>v.</i> - - - -	453
M.		M.	
		McDermott <i>v.</i> The King - - - -	501
		Metropolitan Coal Co. Ltd. ; Williams <i>v.</i> - - - -	431

O.	PAGE	T.	PAGE
Orr <i>v.</i> Holmes - - -	- 632	Taxation, Federal Commissioner of ; Armco (Australia) Pty. Ltd. <i>v.</i> - - -	- 584
		Trotter ; Bischof <i>v.</i> - - -	- 520
Psaltis <i>v.</i> Schultz - - -	- 547	U.	
		Union Trustee Co. of Australia Ltd. <i>v.</i> Bartlam - - -	- 492
R. ; McDermott <i>v.</i> - - -	- 501	W.	
		Williams <i>v.</i> Metropolitan Coal Co. Ltd. - - -	- 431
Schultz ; Psaltis <i>v.</i> - - -	- 547	Wilton <i>v.</i> Farnworth - - -	- 646
Smith <i>v.</i> Smith - - -	- 525		

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

<i>Bartlam v. Union Trustee Co. of Australia Ltd.</i> , (1946) 72 C.L.R. 549. Affirmed 76 C.L.R. 492.	<i>Kidney v. Melbourne Tramway & Omnibus Co. Ltd.</i> , (1902) A.L.R. (C.N.) 29. Disapproved 76 C.L.R. 453.
<i>Blunt v. Blunt</i> , (1943) A.C. 517. Applied 76 C.L.R. 529.	<i>Melbourne Corporation v. Commonwealth</i> , (1947) 74 C.L.R. 31. Distinguished 76 C.L.R. 1.
<i>Clements & Marshall Pty. Ltd. v. Field Peas Marketing Board (Tas.)</i> , (1947) 76 C.L.R. 401. Affirmed 76 C.L.R. 414.	<i>Metropolitan Coal Co. Ltd. v. Williams</i> , (1947) 48 S.R. (N.S.W.) 66. Reversed 76 C.L.R. 431.
<i>Fender v. St. John-Mildmay</i> , (1938) A.C. 1. Discussed 76 C.L.R. 547.	<i>R. v. Jeffries</i> , (1946) 47 S.R. (N.S.W.) 284. Approved 76 C.L.R. 501.
<i>Henderson v. Henderson</i> , (1948) Q.S.R. 36. Affirmed 76 C.L.R. 529.	<i>R. v. McDermott</i> [No. 2], (1947) 47 S.R. (N.S.W.) 407. Affirmed 76 C.L.R. 501.
<i>James, Ex parte</i> , (1874) L.R. 9 Ch. 609. Discussed 76 C.L.R. 463.	<i>Schultz v. Psaltis</i> , (1947) 48 S.R. (N.S.W.) 148. Affirmed 76 C.L.R. 547.

STATUTES JUDICIALLY CONSIDERED.

IMPERIAL.

Constitution, The, s. 51 (xiii.), (xx.), (xxi.),
(xxxix.), 75 (iii.), 92, 105A. *Bank of New
South Wales v. Commonwealth* - - 1

COMMONWEALTH.

Banking Act 1947. *Bank of New South
Wales v. Commonwealth* - - - 1

Bankruptcy Act 1924-1946, s. 95 (1) (2) (b),
(4). *Downs Distributing Co. Pty. Ltd. v.
Associated Blue Star Stores Pty. Ltd.* 463

Commonwealth Bank Act 1945. *Bank of
New South Wales v. Commonwealth* - 1

Income Tax Assessment Act 1936-1944, s.
51 (1). *Armco (Australia) Pty. Ltd. v.
Federal Commissioner of Taxation* - 584

Judiciary Act 1903-1947, s. 23. *Field Peas
Marketing Board (Tas.) v. Clements &
Marshall Pty. Ltd.* - - - 414

—, s. 23 (2) (a). *Armco (Australia) Pty.
Ltd. v. Federal Commissioner of Taxation*
- - - - 584

—, s. 35 (1) (a), (2). *De Bortoli v.
Kenny* - - - - 453

NEW SOUTH WALES.

Coal and Oil Shale Mine Workers (Pensions)
Act 1941-1942, s. 5. *Williams v. Metro-
politan Coal Co. Ltd.* - - - 431

Common Law Procedure Act 1899, ss. 116,
260. *Psaltis v. Schultz* - - - 547

Companies Act 1936-1940, s. 298 (1). *Downs
Distributing Co. Pty. Ltd. v. Associated
Blue Star Stores Pty. Ltd.* - - - 463

Crimes Act 1900, s. 410. *McDermott v. The
King* - - - - 501

Workers' Compensation Act 1926-1946, ss. 6,
7 (1), (3), (4), 9, 11 (1). *Williams v. Metro-
politan Coal Co. Ltd.* - - - 431

QUEENSLAND.

Matrimonial Causes Acts 1864 to 1945, s. 26.
Henderson v. Henderson - - - 529

TASMANIA.

Marketing of Primary Products Act 1945.
*Clements & Marshall Pty. Ltd. v. Field
Peas Marketing Board (Tas.)* - - 401

Marketing of Primary Products Act 1945-
1947. *Field Peas Marketing Board (Tas.)
v. Clements & Marshall Pty. Ltd.* - 414

Marketing of Primary Products (Field Peas)
Act 1946. *Clements & Marshall Pty. Ltd.
v. Field Peas Marketing Board (Tas.)* 401

Marketing of Primary Products (Field Peas)
Act 1946-1947. *Field Peas Marketing
Board (Tas.) v. Clements & Marshall Pty.
Ltd.* - - - - 414

Matrimonial Causes Act 1860-1940, ss. 7, 8.
Adkins v. Adkins - - - - 623

VICTORIA.

Marriage Acts 1928-1943, s. 75 (a). *Smith v.
Smith* - - - - 525

Trustee Companies Acts 1928-1944, s. 17.
*Union Trustee Co. of Australia Ltd. v.
Bartlam* - - - - 492

WESTERN AUSTRALIA.

Licensing Act 1911-1946, s. 203 (1). *Bennett
v. Cooper* - - - - 570

RULES, REGULATIONS AND ORDERS JUDICIALLY CONSIDERED.

COMMONWEALTH.

National Security (Landlord and Tenant)
Regulations, reg. 33 (1). *Bischof v. Trot-
ter* - - - - 520

—, regs. 58, 61, 64. *Burling v. Chas.
Steele & Co. Pty. Ltd.* - - - 485

National Security (Prices) Regulations, regs.
23 (1) (b), 45B (ba). *De Bortoli v. Kenny*
- - - - 453

Prices Regulation Order No. 1015. *De Bor-
toli v. Kenny* - - - - 453

TABLE OF CASES CITED IN JUDGMENTS.

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

A.			
A. Lewis & Co. (Westminster) Ltd. <i>v.</i> Bell Property Trust Ltd. (1940)	257	(3)	
Addison <i>v.</i> Holly Hill Fruits Products (1944)	370	(7)	
Airline Cases — <i>See</i> Australian National Airways Pty. Ltd. <i>v.</i> Commonwealth.			
Allen <i>v.</i> Royal Bank of Canada (1925)	595	(1)	
Amalgamated Society of Engineers <i>v.</i> Adelaide Steamship Co. Ltd. (1920)	184	(2)	
Andrews <i>v.</i> Howell (1941)	163	(1), 410	(6), 425
Apted <i>v.</i> Apted & Bliss (1930)	535	(1)	
Aristoc Ltd. <i>v.</i> Rysta Ltd. (1945)	285	(3)	
Army, Minister of State for <i>v.</i> Dalziel (1944)	299	(3)	
Arthur Yates & Co. Pty. Ltd. <i>v.</i> Vegetable Seeds Committee (1945)	198	(9)	
Associated Newspapers Ltd. <i>v.</i> Federal Commissioner of Taxation (1944)	596	(1)	
Atlantic Cleaners & Dyers Inc. <i>v.</i> United States (1932)	285	(1)	
Attorney-General (Alberta) <i>v.</i> Attorney-General (Canada) (1939)	186	(1)	
— <i>v.</i> — (1943)	182	(4)	
— <i>v.</i> — (1947)	182	(6)	
— (Canada) <i>v.</i> Attorney-General (Alberta) (1916)	286	(2)	
— <i>v.</i> Attorney-General (Quebec) (1947)	182	(5)	
— (Cth.) <i>v.</i> Colonial Sugar Refining Co. Ltd. (1914)	262	(1)	
— N.S.W. <i>v.</i> Brewery Employés Union of New South Wales (1908)	298	(2)	
— <i>v.</i> Martin (1909)	512	(4)	
— (Ontario) <i>v.</i> Attorney-General (Canada) (1937)	286	(3)	
— <i>v.</i> Attorney-General (Dominion) (1896)	197	(2)	
— <i>v.</i> Reciprocal Insurers (1924)	182	(2)	
Australasian United Steam Navigation Co. Ltd. <i>v.</i> Shipping Control Board (1945)	299	(4)	
			Australian Apple & Pear Marketing Board <i>v.</i> Tonking (1942) - 300 (3)
			Australian Commonwealth Shipping Board <i>v.</i> Federated Seamen's Union of Australasia (1925) - 199 (2)
			Australian National Airways Pty. Ltd. <i>v.</i> Commonwealth (1945) - 198 (4)
			Australian Woollen Mills Ltd. <i>v.</i> Commonwealth (1944) - 303 (4)
			B.
			Bacon <i>v.</i> A. W. Wills & Sons Ltd. (1933) - 446 (4)
			Baker <i>v.</i> Monk (1864) - 649 (4)
			Bales <i>v.</i> Parmeter (1935) - 514 (2)
			Ball <i>v.</i> William Hunt & Sons Ltd. (1912) - 440 (3)
			Banco de Portugal <i>v.</i> Waterlow & Sons Ltd. (1932) - 340 (1)
			Bank of Australasia <i>v.</i> Hall (1907) - 481 (1)
			Bank of India <i>v.</i> Wilson (1877) - 284 (7)
			Bank of New South Wales <i>v.</i> Commonwealth (1948) - 416 (1)
			Barry <i>v.</i> Heider (1914) - 217 (1)
			Bartlam <i>v.</i> Union Trustee Co. of Australia Ltd. (1946) - 500 (1)
			Baume <i>v.</i> Commonwealth (1906) - 322 (3)
			Baxter <i>v.</i> Commissioners of Taxation (N.S.W.) (1907) - 416 (2)
			Beard <i>v.</i> Perpetual Trustee Co. Ltd. (1918) - 456 (3)
			Belknap <i>v.</i> Schild (1896) - 365 (6)
			Bessell <i>v.</i> Dayman (1935) - 310 (8)
			Birmingham Cabinet Manufacturing Co. <i>v.</i> Dudley (1910) - 444 (4)
			Blunt <i>v.</i> Blunt (1943) - 535 (2)
			Bohemians Club <i>v.</i> Acting Federal Commissioner of Taxation (1918)
			577 (2)
			Borland's Trustee <i>v.</i> Steel Bros. & Co. Ltd. (1901) - 209 (1)
			Boyd <i>v.</i> Boyd (1940) - 642 (7)
			Brandao <i>v.</i> Barnett (1846) - 284 (3)
			Briscoe <i>v.</i> Bank of Kentucky (1837) 368 (1)
			British Coal Corporation <i>v.</i> The King (1935) - 298 (4)
			Brown <i>v.</i> Dean (1910) - 641 (1)
			Burns <i>v.</i> McFarlane (1940) - 479 (2)
			Butterworth <i>v.</i> Commonwealth Bank (1916) - 190 (3)

C.

Canada Sugar Refining Co. Ltd. v. The Queen (1898) - - -	257 (2)
Carter v. Carter Coal Co. (1936) - - -	313 (4)
Chaff and Hay Acquisition Committee v. J. A. Hemphill & Sons Pty. Ltd. (1947) - - -	273 (6)
Citizens Insurance Co. of Canada v. Parsons (1881) - - -	185 (1)
City of Halifax v. Halifax Harbour Commissioners (1935) - - -	358 (2)
Clark v. Malpas (1862) - - -	649 (3)
Collins v. Australian Iron and Steel Ltd. (1947) - - -	444 (1)
Commissioner—See Inland Revenue; Stamp Duties; State Savings Bank of Victoria; Taxation.	
Commonwealth v. Huon Transport Pty. Ltd. (1945) - - -	277 (1)
— v. New South Wales (1923) - - -	208 (1)
Cooley v. Port Wardens (1851) - - -	426 (3)
Cornelius v. The King (1936) - - -	506 (1)
Crothers v. Sheil (1933) - - -	410 (4)

D.

Dartmouth College v. Woodward (1819) - - -	202 (2)
Dawson v. Commonwealth (1946) - - -	369 (2)
Day v. McLea (1889) - - -	610 (4)
D'Emden v. Pedder (1904) - - -	274 (2)
Duncan v. Queensland (1916) - - -	384 (3)
— v. Vizzard (1935) - - -	310 (9)
Dutton v. Thompson (1883) - - -	649 (2)

E.

Edwards v. Attorney-General (Canada) (1930) - - -	298 (3)
Engel v. O'Malley (1911) - - -	382 (8)

F.

Fender v. Mildmay (1936) - - -	562 (1)
— v. St. John-Mildmay (1938) - - -	554 (1)
Foggitt Jones & Co. Ltd. v. New South Wales (1916) - - -	384 (2)
Foley v. Hill (1848) - - -	194 (1)
Ford v. Beech (1846) - - -	609 (7)
Forget v. Baxter (1900) - - -	284 (5)
Fox v. Robbins (1909) - - -	283 (3)
Fraser Henleins Pty. Ltd. v. Cody (1945) - - -	369 (4)
Freeman v. Hewit (1946) - - -	284 (6), 382 (7)
Frost v. Knight (1872) - - -	569 (4)
Fry v. Lane (1888) - - -	649 (5)

G.

Gallagher v. Lynn (1937) - - -	182 (3)
Gibbons v. Ogden (1824) - - -	306 (1), 426 (4)
Goldschmidt (Th.) Ltd., Re (1917) - - -	173 (1)
Governments Stock & Other Securities Investment Co. v. Manila Railway Co. (1897) - - -	299 (5)

Gozzett, Re (1936) - - -	482 (6)
Grace Bros. Pty. Ltd. v. Commonwealth (1946) - - -	228 (1)
Graff v. Evans (1882) - - -	577 (1)
Graham v. Public Works Commissioners (1901) - - -	275 (1)
Grain Elevators Board (Vict.) v. Dunmunkle Corporation (1946) - - -	273 (5)
Gramophone & Typewriter Ltd. v. Stanley (1908) - - -	263 (1)
Gratwick v. Johnson (1945) - - -	231 (5)
Great West Saddlery Co. Ltd. v. The King (1921) - - -	185 (7)
Greenhalgh v. Mallard (1943) - - -	282 (2)
Guest v. Ibbotson (1922) - - -	642 (3)

H.

Hall, Re (1907) - - -	484 (2)
Hammer v. Dagenhart (1918) - - -	183 (3)
Harris v. Amery (1865) - - -	284 (1)
Harrison v. Cage (1698) - - -	559 (3)
Hartley v. Walsh (1937) - - -	239 (6)
Harwood v. Wyken Colliery Co. (1913) - - -	440 (4)
Health, Minister of v. Bellotti (1944) - - -	273 (3)
Heiner v. Scott (1914) - - -	190 (2)
Henry v. Armstrong (1881) - - -	655 (2)
Hip Foong Hong v. Neotia (1918) - - -	641 (3)
Hochster v. De La Tour (1853) - - -	553 (4)
Hodge v. The Queen (1883) - - -	186 (3)
Home Benefits Pty. Ltd. v. Crafter (1939) - - -	239 (7)
Horsey v. Caldwell (1946) - - -	462 (1)
Hough v. Ah Sam (1912) - - -	507 (3)
Huddart Parker Ltd. v. Commonwealth (1931) - - -	183 (1)
Huddart, Parker & Co. Pty. Ltd. v. Moorehead (1909) - - -	202 (1)

I.

Ibrahim v. The King (1914) - - -	507 (2)
Imperial Tobacco Co. Ltd. v. Kelly (1943) - - -	596 (2)
Incandescent Gas Light Co. v. De Mare Incandescent Gas Light System Ltd. (1896) - - -	185 (3)
Income Tax Commissioner v. Maharajahdiraja of Darnhanga (1933) - - -	601 (1)
Inglewood Pulp & Paper Co. v. New Brunswick Electric Power Commission (1928) - - -	278 (3)
Inland Revenue Commissioners v. Crossman (1937) - - -	261 (1)
— v. Oswald (1945) - - -	601 (2)
International Railway Co. v. Niagara Parks Commission (1941) - - -	316 (4)
International Supply Co. of New York v. Bruce (1904) - - -	365 (7)

J.

Jackson v. Hunslet Engine Co. (1915) - - -	444 (5)
— v. Jackson (1924) - - -	625 (5)

- James, *Ex parte*; Condon, *Re* (1874) 472 (1)
 ——— *v.* Commonwealth (1936) 189
 (1), 408 (1), 423 (1)
 ——— *v.* Cowan (1932) 236 (1), 408 (3),
 422 (3)
 ——— *v.* South Australia (1927) - 283 (6)
 Jenkins *v.* Commonwealth (1947) - 250 (2)
 John Deere Plow Co. Ltd. *v.* Whar-
 ton (1915) - - - - - 204 (1)
 Johnson *v.* Buttress (1936) - - 656 (3)
 Johnston, Fear & Kingham and The
 Offset Printing Co. Pty. Ltd. *v.*
 Commonwealth (1943) - - 205 (1)
 Juilliard *v.* Greenman (1884) - - 299 (6)
 Jumbunna Coal Mine, No Liability
v. Victorian Coal Miners' Associa-
 tion (1908) - - - - - 332 (1)
- K.**
- Keifer *v.* Reconstruction Finance
 Corporation (1939) - - - 366 (1)
 Kennedy *v.* Jones (1887) - - - 642 (2)
 Kidney *v.* Melbourne Tramway &
 Omnibus Co. Ltd. (1902) - - 461 (1)
 King *v.* Port of London Authority
 (1920) - - - - - 444 (3)
- L.**
- Lamplugh *v.* Norton (1889) - - 257 (1)
 La Neuville *v.* Nourse (1813) - - 609 (4)
 Lawless *v.* Sullivan (1881) - - 499 (1)
 Lenthall *v.* Curran (1933) - - 514 (9)
 Ling *v.* De Dion Bouton (1920) - 443 (3)
 London, Birmingham and South
 Staffordshire Bank, *Re* (1865) - 609 (6)
 London County Council *v.* Overseers
 of West Ham (1892) - - - 229 (1)
 London Financial Association *v.*
 Kelk (1884) - - - - - 621 (2)
 Louisiana *v.* McAdoo (1914) - - 225 (3)
 Lysons *v.* Andrew Knowles & Sons
 Ltd. (1901) - - - - - 443 (1)
- M.**
- McCann *v.* Scottish Co-operative
 Laundry Association Ltd. (1936) - 450 (3)
 McClintock *v.* Commonwealth (1947) 250 (1)
 M'Culloch *v.* Maryland (1819) - - 190 (4)
 Mackenzie *v.* Rees (1941) - - - 601 (6)
 M'Kune *v.* Joynson (1853) - - - 621 (1)
 Magrath *v.* Commonwealth (1944) - 282 (5)
 Marine Board of Launceston *v.*
 Minister of State for the Navy
 (1945) - - - - - 277 (2)
 Matthews *v.* Chicory Marketing
 Board (Vict.) (1938) - - 410 (2), 417 (3)
 Maude *v.* Maude (1919) - - - 625 (4)
 Maxwell *v.* Deare (1853) - - - 609 (5)
 Meakes *v.* Dignan (1931) - - - 183 (2)
 Melbourne Corporation *v.* Barry
 (1922) - - - - - 197 (3)
 ——— *v.* Commonwealth (1947) - 165 (1)
- Meredith *v.* Innes (1930) - - - 642 (5)
 Metropolitan Meat Industry Board
v. Sheedy (1927) - - - - - 358 (1)
 Milk Board (N.S.W.) *v.* Metropolitan
 Cream Pty. Ltd. (1939) 231 (4), 410 (5),
 425 (5)
 Millward *v.* Littlewood (1850) - - 558 (6)
 Minister — *See* Supply; Health;
 Army; Navy.
 Minnesota *v.* Hitchcock (1901) - - 365 (3)
 Minnesota Rate Cases, *The*—*See*
 Simpson *v.* Shepard.
 Monmouth County Council *v.* New-
 port Corporation (1946) - - - 278 (4)
 Morgan *v.* Morgan & Potter (1869) - 541 (1)
 ——— *v.* Virginia - - - - - 427 (1)
- N.**
- Naganab *v.* Hitchcock (1906) - - 365 (5)
 Nathan *v.* Louisiana (1850) - - - 308 (3)
 Navy, Minister of State for the *v.* Raae
 (1945) - - - - - 342 (4)
 Nelson, *Ex parte* [No. 1] (1928) - 310 (5)
 Nelungaloo Pty. Ltd. *v.* Common-
 wealth (1948) - - - - - 300 (7)
 Newcastle & Hunter River S.S. Co.
 Ltd. *v.* Commonwealth (1921) - 370 (3)
 Newport Borough Council *v.* Mon-
 mouthshire County Council (1947) 278 (1)
 New South Wales *v.* Commonwealth
 (The Wheat Case) (1915) - - 232 (1)
 ——— *v.* ——— (1915) - - - 410 (3)
 ——— *v.* ——— [No. 1] (1932) - 279 (2)
 New York *v.* United States (1946) - 338 (1)
- O.**
- O. Gilpin Ltd. *v.* Commissioner of
 Road Transport and Tramways
 (N.S.W.) (1935) - - - - - 239 (4)
 O'Connor *v.* O'Connor (1942) - - 559 (4)
 Oregon *v.* Hitchcock (1906) - - 365 (4)
 Osborn *v.* Bank of United States
 (1824) - - - - - 225 (1)
- P.**
- Parker *v.* Brown (1943) - - - - - 428 (1)
 Pastoral Finance Association Ltd. *v.*
 The Minister (1914) - - - - - 300 (5)
 Paul *v.* Virginia (1869) - - - - - 233 (4)
 Peacock *v.* The King (1911) - - - 514 (1)
 Peanut Board *v.* Rockhampton Har-
 bour Board (1933) - 239 (10), 408 (4),
 417 (2)
 Pidoto *v.* Victoria (1943) - - - 252 (1)
 Pitcher *v.* Federal Capital Commis-
 sion (1928) - - - - - 322 (4)
 Polish National Alliance of United
 States of America *v.* National
 Labor Relations Board (1944) - 382 (4)
 Prafulla Kumar Mukherjee *v.* Bank
 of Commerce Ltd., Khulna (1947) 182 (7)
 Preston *v.* Green (1944) - - - 642 (6)

Price v. Price (1847) - - -	609 (3)
Prudential Insurance Co. v. Benjamin (1946) - - -	382 (5)
Punjab Co-operative Bank Ltd., Amritsar v. Commissioner of Income Tax, Lahore (1940) - - -	193 (3)

Q.

Quin & Axtens Ltd. v. Salmon (1909)	263 (2)
-------------------------------------	---------

R.

R. v. Baldry (1852) - - -	512 (3)
- v. Barger (1908) - - -	184 (1)
- v. Brown & Bruce (1931) - - -	514 (6)
- v. Burah (1878) - - -	186 (2)
- v. Commonwealth Court of Conciliation & Arbitration; Brisbane Tramways Co. Ltd., <i>Ex p.</i> (1914) -	321 (1)
- v. Commonwealth Court of Conciliation & Arbitration; Whybrow & Co., <i>Ex p.</i> (1910) - - -	370 (1)
- v. Connare; Wawn, <i>Ex p.</i> (1939)	310 (3)
- v. Connell; Hetton Bellbird Collieries Ltd., <i>Ex p.</i> (1944) - - -	175 (1)
- v. Copestake; Wilkinson, <i>Ex p.</i> (1927) - - -	635 (1)
- v. Cross (1946) - - -	514 (11)
- v. Drew (1837) - - -	512 (1)
- v. Gardner (1915) - - -	517 (3)
- v. Hickman; Fox, <i>Ex p.</i> (1945) -	175 (2)
- v. Hokin (1922) - - -	514 (4)
- v. Jeffries (1946) - - -	506 (2)
- v. Martin; Wawn, <i>Ex p.</i> (1939) -	310 (4)
- v. Morton (1843) - - -	512 (2)
- v. Murray; Commonwealth, <i>Ex p.</i> (1916) - - -	322 (2)
- v. Poole; Henry, <i>Ex p.</i> (1939) -	313 (1)
- v. Registrar of Titles (Vict.); Commonwealth, <i>Ex p.</i> (1915) -	264 (1)
- v. Rogerson (1870) - - -	507 (4)
- v. Smithers; Benson, <i>Ex p.</i> (1912)	283 (5)
- v. Thompson (1893) - - -	511 (1)
- v. Vizzard; Hill, <i>Ex p.</i> (1933) -	238 (11)
- v. Voisin (1918) - - -	507 (5)
- v. Winkel (1911) - - -	514 (5)
- v. Zerafa (1935) - - -	514 (10)
Railroad Retirement Board v. Alton Railroad Co. (1935) - - -	313 (3), 370 (8)
Reid v. Sinderberry (1944) - - -	303 (3)
Repatriation Commission v. Kirkland (1923) - - -	321 (3)
Resch v. Federal Commissioner of Taxation (1942) - - -	601 (4)
Richardson v. Mellish (1824) - - -	539 (2)
Riverina Transport Pty. Ltd. v. Victoria (1937) - - -	231 (2)
Robertson v. California (1946) - - -	382 (6)
- v. Grigg (1932) - - -	479 (1)
Roughley v. New South Wales (1928)	370 (2)
Rural Bank of New South Wales v. Shire of Bland (1947) - - -	273 (7)
Russell v. The Queen (1882) - - -	254 (3)

S.

St. James Club, <i>Re The</i> (1852) - - -	580 (1)
Saxton's Case— <i>See</i> Commissioner of Stamp Duties (N.S.W.) v. Perpetual Trustee Co. Ltd.	
Sayer v. Wagstaff (1844) - - -	609 (2)
Scott v. Scott (1863) - - -	640 (1)
- v. - (1943) - - -	263 (3)
Seranton's Trustee v. Pearse (1922)	470 (4)
Shields' Estate, <i>Re</i> (1901) - - -	193 (6)
Shirlaw v. Southern Foundries (1926) Ltd. (1939) - - -	556 (2)
Shrimpton v. Commonwealth (1945)	198 (10)
Simpson v. Shepard (1913) - - -	306 (4)
Siveyer v. Allison (1935) - - -	558 (4)
Skinner v. Commissioner for Railways (1937) - - -	273 (1)
Skipp v. Kelly (1926) - - -	558 (3)
Sloan Shipyards Corporation v. United States Shipping Board Emergency Fleet Corporation (1922) - - -	225 (4)
Smith v. Anderson (1880) - - -	284 (2)
- v. Mann (1932) - - -	440 (2)
South Australia v. Commonwealth (Uniform Tax Case) (1942) - - -	152 (1)
Southern Foundries (1926) Ltd. v. Shirlaw (1940) - - -	245 (2)
Southern Pacific Co. v. Arizona (1945) - - -	426 (1)
Spiers v. Hunt (1908) - - -	555 (2)
Stafford v. Henry (1850) - - -	193 (5)
Stamp Duties, Commissioner of (N.S.W.) v. Perpetual Trustee Co. Ltd. (Saxton's Case) (1929) -	601 (3)
Standard Oil Co. of New Jersey v. Southern Pacific Co. (1925) - - -	300 (6)
State Savings Bank of Victoria, Commissioners of The v. Permevan Wright & Co. Ltd. (1914)	194 (3)
Stevens v. Birmingham Corporation (1929) - - -	451 (2)
Stiffler v. Stiffler (1944) - - -	642 (8)
Stirling v. Maitland (1864) - - -	245 (1)
Supply, Minister of v. British Thomson-Houston Co. Ltd. (1943) -	273 (2)
Swan Hill Corporation v. Bradbury (1937) - - -	197 (4)
Swift & Co. v. Board of Trade (1925)	277 (4)
Symes v. Stewart (1920) - - -	577 (4)

T.

Tasmania v. Victoria (1935) - - -	311 (5)
Taxation, Federal Commissioner of v. Miller Anderson Ltd. (1946) -	601 (5)
Tennant v. Union Bank of Canada (1894) - - -	195 (1)
Texas Co. (Australasia) Ltd. v. Federal Commissioner of Taxation (1940) - - -	593 (1)

Th. Goldschmidt Ltd., <i>Re</i> (1917) -	173 (1)		
Thelluson, <i>Re</i> (1919) -	482 (5)		
Three Bills passed by the Legislative Assembly of the Province of Alberta 1937, <i>Re</i> (1938) -	189 (2)		
Tomkins <i>v.</i> Saffery (1877) -	469 (2)		
Toronto Corporation <i>v.</i> Virgo (1896)	197 (1)		
Toronto Electric Commissioners <i>v.</i> Snider (1925) -	298 (1)		
Trinidad Lake Asphalt Operating Co. Ltd. <i>v.</i> Commissioners of In- come Tax for Trinidad and Tobago (1945) -	235 (1)		
Turner, <i>Ex p.</i> ; Hardy, <i>Re</i> (1947) -	578 (1)		
Twidale <i>v.</i> London and North East- ern Railway Co. (1925) -	447 (1)		
Tyler, <i>Re</i> (1907) -	482 (3)		
Tyne Improvement Commissioners <i>v.</i> Armement Anversois Societe Anonyme (1947) -	273 (4)		
U.			
Uniform Tax Case— <i>See</i> South Aus- tralia <i>v.</i> Commonwealth.			
Union Colliery Co. of British Colum- bia <i>v.</i> Bryden (1899) -	182 (1)		
United States <i>v.</i> Darby (1941) -	198 (1)		
— <i>v.</i> Lee (1882) -	225 (2)		
— <i>v.</i> South-Eastern Under- writers Association (1944) -	233 (3)		
— <i>v.</i> Thayer-West Point Hotel Co. (1947) -	277 (3)		
— <i>v.</i> Wagner (1867) -	363 (1)		
Utah Power & Light Co. <i>v.</i> Pfof (1932) -	370 (6)		
V.			
Vacuum Oil Co. Pty. Ltd. <i>v.</i> Queens- land (1935) -	163 (2)		
— <i>v.</i> — [No. 2] (1935) -	370 (4)		
Victoria <i>v.</i> Commonwealth (1942) -	303 (2)		
Victorian Railways Commissioners <i>v.</i> McCartney (1935) -	198 (8)		
W.			
W. & A. McArthur Ltd. <i>v.</i> Queens- land (1920) -	236 (4), 424 (5)		
Ward <i>v.</i> Corrimal-Balgownie Col- lieries Ltd. (1938) -	440 (5)		
Weatherley <i>v.</i> Weatherley (1947) -	625 (6)		
Werrin <i>v.</i> Commonwealth (1938) -	364 (2)		
West <i>v.</i> Commissioner of Taxation (N.S.W.) (1937) -	337 (1)		
Wheat Case— <i>See</i> New South Wales <i>v.</i> Commonwealth.			
Wicks <i>v.</i> Union Steamship Co. of New Zealand Ltd. (1933) -	440 (2)		
Wiggzell, <i>Re</i> (1921) -	483 (2)		
Wild <i>v.</i> Harris (1849) -	558 (5)		
Willard <i>v.</i> Rawson (1933) -	239 (2)		
Williams <i>v.</i> Standard Oil Co. of Louisiana (1929) -	313 (2)		
Willmore <i>v.</i> Commonwealth (1945) -	461 (2)		
Wilson <i>v.</i> Black Bird Creek Marsh Co. (1829) -	426 (2)		
— <i>v.</i> Carnley (1908) -	555 (3)		
— <i>v.</i> Wilson (1920) -	542 (2)		
Wise <i>v.</i> Perpetual Trustee Co. Ltd. (1903) -	580 (2)		
Y.			
Yerkey <i>v.</i> Jones (1939) -	649 (1)		
Young <i>v.</i> Kershaw (1899) -	642 (1)		

CORRIGENDA.

Page 190.—8th line from end of page, for “(xxxi)” read “(xxxix)”.

Page 191.—22nd line from top of page, for “(xxxi)” read “(xxxix)”.

Page 203.—17th line from end of page, for “(xiii)” read “(xx)”.