

1948-1949.

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 F. T. P. BURT, LL.B.

Barristers-at-Law.

VOL. 78.

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 :—

78 C.L.R.

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

<p style="text-align: center;">A.</p> <p>Adelaide Electric Supply Co. Ltd. <i>v.</i> Federal Commissioner of Taxation - - - - - 557</p> <p>Amalgamated Engineering Union, <i>Ex parte</i>; <i>R. v.</i> Metal Trades Employers Association - - - 366</p> <p>Attorney-General for New South Wales (at the relation of Ashel- ford); <i>Wylde v.</i> - - - - 224</p> <p>Avon Downs Pty. Ltd. <i>v.</i> Federal Commissioner of Taxation - 353</p> <p style="text-align: center;">B.</p> <p>Boulus <i>v.</i> Broken Hill Theatres Pty. Ltd. - - - - - 177</p> <p>Broken Hill Theatres Pty. Ltd.; <i>Boulus v.</i> - - - - - 177</p> <p>Burston <i>v.</i> Melbourne and Metro- politan Tramways Board - - 143</p> <p style="text-align: center;">C.</p> <p>Central Piggery Co. <i>v.</i> Hurst - 594</p> <p>— <i>v.</i> McNicoll - - - - 594</p> <p>Clarke <i>v.</i> Tyler - - - - 646</p>	<p>Commissioner — <i>See</i> Railways; Taxation.</p> <p>Commonwealth <i>v.</i> Reeve - - - 410</p> <p>Commonwealth Court of Concilia- tion and Arbitration; <i>R. v.</i>; <i>Ex parte</i> Ozone Theatres (Aust.) Ltd. - - - - - 389</p> <p style="text-align: center;">D.</p> <p>Dalby <i>v.</i> Gazzard - - - - 375</p> <p>Dey <i>v.</i> Victorian Railways Com- missioners - - - - - 62</p> <p>Douglas; Williams <i>v.</i> - - - 521</p> <p style="text-align: center;">E.</p> <p>Employers Association of Wool Selling Brokers, <i>Ex parte</i>; <i>R. v.</i> Wallis - - - - - 530</p> <p style="text-align: center;">F.</p> <p>Farnsworth <i>v.</i> Federal Commis- sioner of Taxation - - - - 504</p> <p>Federal Commissioner—<i>See</i> Taxa- tion.</p>
--	---

G.	O.
Gazzard ; Dalby <i>v.</i> - - - 375	Ozone Theatres (Aust.) Ltd., <i>Ex parte</i> ; <i>R. v.</i> Commonwealth Court of Conciliation and Arbitration - - - - 389
Gibbons ; Wright <i>v.</i> - - - 313	
Goldsbrough Mort & Co. Ltd. <i>v.</i> Hall - - - - 1	P.
Grimwade <i>v.</i> Federal Commissioner of Taxation - - - - 199	Place <i>v.</i> Thompson - - - - 464
H.	R.
H. V. McKay Massey Harris Pty. Ltd., <i>Ex parte</i> ; <i>R. v.</i> Wallis - 530	<i>R. v.</i> Commonwealth Court of Conciliation and Arbitration; <i>Ex parte</i> Ozone Theatres (Aust.) Ltd. 389
Hall ; Goldsbrough Mort & Co. Ltd. <i>v.</i> - - - - 1	— <i>v.</i> Metal Trades Employers Association; <i>Ex parte</i> Amalgamated Engineering Union - - - 366
Hawkins <i>v.</i> Minister for Lands for New South Wales - - - 479	— <i>v.</i> Wallis; <i>Ex parte</i> Employers Association of Wool Selling Brokers - - - - 530
Higgins ; Hume <i>v.</i> - - - 116	— <i>v.</i> Wallis; <i>Ex parte</i> H. V. McKay Massey Harris Pty. Ltd. 530
Hume <i>v.</i> Higgins - - - 116	Railways Commissioners, Victorian; Dey <i>v.</i> - - - 62
Hurst ; Central Piggery Co. <i>v.</i> - 594	Reeve ; Commonwealth <i>v.</i> - - 410
J.	Rohm and Haas Co. ; Shell Co., of Australia Ltd. <i>v.</i> - - - 601
Jack Zinader Pty. Ltd. ; Federal Commissioner of Taxation <i>v.</i> - 336	Ronpibon Tin No Liability <i>v.</i> Federal Commissioner of Taxation - - - - 47
Jeffery <i>v.</i> Jeffery - - - - 570	Ryall's Patent, <i>In re</i> - - - 170
L.	S.
Lands, Minister for, for New South Wales ; Hawkins <i>v.</i> - - - 479	Shell Co. of Aust. Ltd. <i>v.</i> Federal Commissioner of Taxation - 439
M.	— <i>v.</i> Rohm and Haas Co. - 601
McKay (H. V.) Massey Harris Pty. Ltd., <i>Ex parte</i> ; <i>R. v.</i> Wallis - 530	T.
McNicoll ; Central Piggery Co. <i>v.</i> - 594	Taxation, Federal Commissioner of; Adelaide Electric Supply Co. Ltd. <i>v.</i> - - - - 557
Main <i>v.</i> Main - - - - 636	
Melbourne and Metropolitan Tramways Board ; Burston <i>v.</i> - - 143	
Metal Trades Employers Association ; <i>R. v.</i> ; <i>Ex parte</i> Amalgamated Engineering Union - - 366	
Minister for Lands— <i>See</i> Lands.	

Taxation, Federal Commissioner of; Avon Downs Pty. Ltd. <i>v.</i> -	353	W.	Wallis; R. <i>v.</i> ; <i>Ex parte</i> Employers Association of Wool Selling Brokers - - - - -	530
—; Farnsworth <i>v.</i> -	504		—; — <i>v.</i> ; <i>Ex parte</i> H. V.	
—; Grimwade <i>v.</i> - - -	199		McKay Massey Harris Pty. Ltd.	530
— <i>v.</i> Jack Zinader Pty. Ltd. -	336		Williams <i>v.</i> Douglas - - -	521
—; Ronpibon Tin No Lia- bility <i>v.</i> - - - - -	47		Wright <i>v.</i> Gibbons - - -	313
—; Shell Co. of Aust. Ltd. <i>v.</i>	439		Wylde <i>v.</i> Attorney-General for New South Wales (at the relation of Ashelford) - - - - -	224
—; Tongkah Compound No Liability <i>v.</i> - - - - -	47	Z.		
Thompson; Place <i>v.</i> - - -	464		Zinader (Jack) Pty. Ltd. <i>v.</i> Federal Commissioner of Taxation -	336
Tongkah Compound No Liability <i>v.</i> Federal Commissioner of Taxa- tion - - - - -	47			
Tyler; Clarke <i>v.</i> - - - - -	646			
		V.		
Victorian Railways Commissioners; Dey <i>v.</i> - - - - -	62			

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

- | | |
|--|--|
| <p><i>Anthony Hordern v. Amalgamated Clothing and Allied Trades Union of Australia</i>, (1932) 47 C.L.R. 1.
Referred 78 C.L.R. 529.</p> <p><i>Attorney-General v. Wylde</i>, (1948) 48 S.R. (N.S.W.) 147.
Varied and otherwise affirmed 78 C.L.R. 224.</p> <p><i>Bishop of Natal v. Gladstone</i>, (1866) L.R. 3 Eq. 1.
Referred 78 C.L.R. 224.</p> <p><i>Blunt v. Blunt</i>, (1943) A.C. 517.
Applied 78 C.L.R. 636.</p> <p><i>Bonython v. The Commonwealth</i>, (1948) 75 C.L.R. 589.
Referred 78 C.L.R. 1.</p> <p><i>Broken Hill Theatres Pty. Ltd., Ex parte; Re Boulus</i>, (1948) 49 S.R. (N.S.W.) 69; 66 W.N. (N.S.W.) 24.
Affirmed 78 C.L.R. 177.</p> <p><i>Brown v. William Hamilton & Co.</i>, (1944) Sc. L.T. 282; 37 B.W.C.C. Supp. 52.
Discussed 78 C.L.R. 62.</p> <p><i>Burston v. Melbourne & Metropolitan Tramways Board</i>, (1948) V.L.R. 215.
Reversed 78 C.L.R. 143.</p> <p><i>Dawson v. Commonwealth</i>, (1946) 73 C.L.R. 157.
Referred 78 C.L.R. 116.</p> <p><i>Evans v. Bartlam</i>, (1937) A.C. 473
Applied 78 C.L.R. 636.</p> <p><i>Free Church of Scotland v. Overtoun</i>, (1904) A.C. 515.
Referred 78 C.L.R. 224.</p> <p><i>Goldsbrough Mort & Co. Ltd. v. Hall</i>, (1948) V.L.R. 145.
Affirmed 78 C.L.R. 1.</p> <p><i>Hayes v. Minister for Works</i>, (1913) 15 W.A.L.R. 106.
Referred 78 C.L.R. 410.</p> <p><i>Hawkins, Re E. W.</i>, (1949) 49 S.R. (N.S.W.) 114; 65 W.N. (N.S.W.) 270.
Affirmed 78 C.L.R. 479.</p> <p><i>Hicks's Trade Mark, Re</i>, (1897) 22 V.L.R. 636.
Referred 78 C.L.R. 601.</p> | <p><i>Horn v. Sunderland Corporation</i>, (1941) 2 K.B. 26.
Referred 78 C.L.R. 410.</p> <p><i>Koffyfontein Mines Ltd. v. Mosely</i>, (1911) A.C. 409.
Referred 78 C.L.R. 594.</p> <p><i>M. v. M.</i>, (1928) P. 123.
Referred 78 C.L.R. 570.</p> <p><i>McNicol v. Central Piggery Co. Ltd.</i>, (1949) Q.S.R. 240.
Affirmed 78 C.L.R. 594.</p> <p><i>Martin v. Mackonochie</i>, (1868) L.R. 2 P.C. 365.
Referred 78 C.L.R. 224.</p> <p><i>Mosely v. Koffyfontein Mines Ltd.</i>, (1911) 1 Ch. 73.
Referred 78 C.L.R. 594.</p> <p><i>Moors v. Burke</i>, (1919) 26 C.L.R. 265.
Considered 78 C.L.R. 521.</p> <p><i>O'Mara v. Harris</i>, (1948) 77 C.L.R. 490.
Applied 78 C.L.R. 375.</p> <p><i>Osenton v. Johnston</i>, (1942) A.C. 139.
Applied 78 C.L.R. 636.</p> <p><i>Pastoral Finance Association Ltd. v. The Minister</i>, (1914) A.C. 1083.
Referred 78 C.L.R. 410.</p> <p><i>Read v. Bishop of Lincoln</i>, (1891) P. 9.
Referred 78 C.L.R. 224.</p> <p><i>Reeve v. Commonwealth of Australia</i>, (1948) 49 S.R. (N.S.W.) 242.
Affirmed 78 C.L.R. 410.</p> <p><i>Taxation, Deputy Federal Commissioner of, (S.A.) v. Ellis & Clark Ltd.</i>, (1934) 52 C.L.R. 85.
Referred 78 C.L.R. 336.</p> <p><i>Thompson, Ex parte; Re Place</i>, (1949) 49 S.R. (N.S.W.) 256; 66 W.N. (N.S.W.) 117.
Reversed 78 C.L.R. 464.</p> <p><i>Wala Wynaad Indian Gold Mining Co., Re</i>, (1882) 21 Ch. 849.
Referred 78 C.L.R. 353.</p> <p><i>Young v. Bristol Aeroplane Co. Ltd.</i>, (1946) A.C. 163.
Discussed 78 C.L.R. 62.</p> |
|--|--|

STATUTES JUDICIALLY CONSIDERED.

IMPERIAL.

Act of Uniformity 1662. <i>Wylde v. Attorney-General for New South Wales</i> -	224
Constitution, The, s. 51 (vi.), (xxxix.). <i>Hume v. Higgins</i> -	116
—, ss. 51 (xxxv.), 75 (v.). <i>R. v. Commonwealth Court of Conciliation and Arbitration; Ex parte Ozone Theatres (Aust.) Ltd.</i> -	389
Statute of Frauds, s. 4. <i>Clarke v. Tyler</i>	646

COMMONWEALTH.

Commonwealth Conciliation and Arbitration Act 1904-1948, ss. 4, 14, 38, 40, 49, 56. <i>R. v. Wallis; Ex parte Employers Association of Wool Selling Brokers</i> -	529
— 1904-1948, ss. 13, 25. <i>R. v. Commonwealth Court of Conciliation and Arbitration; Ex parte Ozone Theatres (Aust.) Ltd.</i> -	389
— 1904-1948, s. 49 (b). <i>R. v. Metal Trades Employers Association; Ex parte Amalgamated Engineering Union</i> -	366
Defence (Transitional Provisions) Act 1946-1947. <i>Dalby v. Gazzard</i> -	375
— 1946-1948, ss. 6, 15. <i>Hume v. Higgins</i> -	116
Gift Duty Act 1941, s. 4. <i>Grimvade v. Federal Commissioner of Taxation</i> -	199
Gift Duty Assessment Act 1941-1942, ss. 4, 11. <i>Grimvade v. Federal Commissioner of Taxation</i> -	199
Income Tax Assessment Act 1936-1943, ss. 6, 28, 31, 36. <i>Farnsworth v. Federal Commissioner of Taxation</i> -	504
— 1936-1944, ss. 23 (q), 51 (1). <i>Ronpibon Tin No Liability v. Federal Commissioner of Taxation</i> -	47
— 1936-1944, ss. 80 (2), (5), 187 (b), 197, 198 (2), 199. <i>Avon Downs Pty. Ltd. v. Federal Commissioner of Taxation</i> -	353
— 1936-1944, s. 159. <i>Shell Co. of Aust. Ltd. v. Federal Commissioner of Taxation</i> -	439
Judiciary Act 1903-1948, s. 51. <i>Jeffery v. Jeffery</i> -	570
Lands Acquisition Act 1906-1936, ss. 5, 17, 28, 29 (1) (a), 37. <i>Commonwealth v. Reeve</i> -	410

Patents Act 1903-1946, s. 84 (6). <i>In re Ryall's Patent</i> -	170
--	-----

Sales Tax Assessment Act (No. 1) 1930-1942, ss. 3 (1), 17, 17A, 18 (1) (c). <i>Federal Commissioner of Taxation v. Jack Zinader Pty. Ltd.</i> -	336
--	-----

Trade Marks Act 1905-1936, ss. 16, 25, 27-29, 32, 33, 47, 71 (1), (3), 114. <i>Shell Co. of Aust. Ltd. v. Rohm and Haas Co.</i> -	601
--	-----

War-time (Company) Tax Act 1940-1941. <i>Adelaide Electric Supply Co. Ltd. v. Federal Commissioner of Taxation</i> -	557
---	-----

War-time (Company) Tax Assessment Act 1940-1944, ss. 3, 13, 19, 20, 24. <i>Adelaide Electric Supply Co. Ltd. v. Federal Commissioner of Taxation</i> -	557
---	-----

NEW SOUTH WALES.

Agricultural Holdings Act 1941, ss. 5, 15 (1), 24 (1), (2) (a). <i>Clarke v. Tyler</i> -	646
---	-----

Church of England Constitutions Act Amendment Act of 1902, ss. 4, 5. <i>Wylde v. Attorney-General for New South Wales</i>	224
--	-----

Church of England Property Trust Act 1917, ss. 4, 5, 19, 24. <i>Wylde v. Attorney-General for New South Wales</i> -	224
--	-----

Crown Lands Consolidation Act 1913-1946, ss. 5, 29, 134, 184, 188. <i>Hawkins v. Minister for Lands for New South Wales</i> -	479
--	-----

District Courts Act 1912-1947, s. 51. <i>Boulus v. Broken Hill Theatres Pty. Ltd.</i> -	177
--	-----

Liquor Act 1912-1946, ss. 39A, 170 (5). <i>Place v. Thompson</i> -	464
---	-----

Matrimonial Causes Act 1899-1943, ss. 5, 41, 42, 43. <i>Jeffery v. Jeffery</i> -	570
---	-----

Theatres and Public Halls Act 1908-1946, ss. 9, 11, 12, 13, 13A, 13D. <i>Boulus v. Broken Hill Theatres Pty. Ltd.</i> -	177
--	-----

QUEENSLAND.

Companies Acts 1931 to 1942, s. 112. <i>Central Piggery Co. Ltd. v. McNicoll and Hurst</i> -	594
---	-----

Industrial Conciliation and Arbitration Acts 1932 to 1947, s. 4. <i>Central Piggery Co. Ltd. v. McNicoll and Hurst</i> -	594
---	-----

TASMANIA.

Real Property Act 1862-1935. <i>Wright v. Gibbons</i> -	313
--	-----

x. STATUTES JUDICIALLY CONSIDERED. [1948-1949.]

VICTORIA.	WESTERN AUSTRALIA.
<p>Workers' Compensation Acts 1928-1946. <i>Dey v. Victorian Railways Commissioners</i> - 62</p> <p>Wrongs Act 1928, Part III. <i>Dey v. Victorian Railways Commissioners</i> - 62</p>	<p>Gold Buyers Act 1921-1948, s. 36. <i>Williams v. Douglas</i> - 621</p> <p>Supreme Court Act 1935-1947, ss. 69 (6), 69A. <i>Main v. Main</i> - 636</p>

RULES, REGULATIONS AND ORDERS
JUDICIALLY CONSIDERED.

COMMONWEALTH.	VICTORIA.
<p>High Court Rules, Order XXXVIII., r. 2. <i>Jeffery v. Jeffery</i> - 570</p> <p>National Security (Economic Organization) Regulations, regs. 6, 21. <i>Hume v. Higgins</i> - 116</p> <p>National Security (War Service Moratorium) Regulations, reg. 30 (6). <i>Dalby v. Gazzard</i> - 375</p>	<p>Rules of the Supreme Court, Order XXV., rr. 2, 4. <i>Dey v. Victorian Railways Commissioners</i> - 62</p> <p>Workers' Compensation Rules 1946, rr. 8, 81. <i>Dey v. Victorian Railways Commissioners</i> - 62</p>

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.			
Adams v. Federal Commissioner of Taxation (1948) - - -	350	(1)	
Adelaide Electric Supply Co. Ltd. v. Prudential Assurance Co. Ltd. (1934) - - -	21	(1), 563	(1)
Agar v. Williamson Ltd. (1920) - - -	91	(2)	
Allcroft v. Lord Bishop of London (1891) - - -	265	(1)	
Amalgamated Zinc (de Bavay's) Ltd. v. Federal Commissioner of Taxation (1935) - - -	57	(1)	
Ambrose Lake Tin & Copper Co. (Clarke's Case), <i>In re</i> (1878) - - -	600	(1)	
Anderton v. Yates (1852) - - -	114	(3)	
Andrews v. Howell (1940) - - -	134	(2)	
Anthony Horder & Sons Ltd. v. Amalgamated Clothing & Allied Trades Union of Australia (1932) - - -	543	(1)	
Arabian v. Tufnall & Taylor Ltd. (1944) - - -	85	(1)	
Archibald Howie Pty. Ltd. v. Commissioner of Stamps (1948) - - -	564	(3)	
Aristo Ltd. v. Rysta Ltd. (1945) - - -	605	(1)	
Armstrong, <i>In re</i> (1920) - - -	327	(3)	
Aron Salomon (Pauper) v. A. Salomon & Co. Ltd. (1897) - - -	222	(2)	
Associated Newspapers Ltd. v. Federal Commissioner of Taxation (1944) - - -	559	(1)	
Attorney-General v. Dean & Chapter of Ripon Cathedral (1945) - - -	271	(2)	
— v. Gould (1860) - - -	294	(1)	
— v. Munro (1848) - - -	270	(5)	
— v. Murdoch (1849) - - -	270	(6)	
— v. North Shore Gas Co. Ltd. (1930) - - -	246	(3)	
— v. Pearson (1817) - - -	270	(4)	
— v. Sherborne Grammar School (1854) - - -	255	(1)	
— v. St. Cross Hospital (1853) - - -	257	(3)	
— v. St. John's Hospital (1865) - - -	301	(1)	
— v. Welsh (1844) - - -	295	(5)	
Attorney-General of Victoria v. Ettershank (1875) - - -	487	(1)	
Auckland Corporation v. Alliance Assurance Co. (1937) - - -	26	(3)	
Australian Coal & Shale Employees Federation v. Aberfeld Coal Mining Co. Ltd. (1942) - - -	400	(1)	
Australian Textiles Pty. Ltd. v. Commonwealth (1945) - - -	133	(3)	
Australian Workers' Union v. Commonwealth Railways Commissioner (1933) - - -	402	(1)	
Avery v. London & North Eastern Railway Co. (1938) - - -	82	(2)	
B.			
Bankers' & Traders' Insurance Co. Ltd. v. Federal Commissioner of Taxation (1946) - - -	559	(3)	
Barlow & Jones v. Jabez Johnson & Co. (1890) - - -	632	(1)	
Barraclough v. Brown (1897) - - -	233	(2)	
Baxter v. New South Wales Clerks' Association (1909) - - -	192	(2)	
Bayne v. Riggall (1908) - - -	91	(1)	
Beckley v. Scott & Co. (1902) - - -	78	(3)	
Bellinger v. Hughes (1911) - - -	658	(2)	
Bennett v. L. & W. Whitehead, Ltd. (1926) - - -	95	(1)	
Bernina [2], The (1887) - - -	156	(1)	
Blunt v. Blunt (1943) - - -	643	(2)	
Bonython v. Commonwealth (1948) - - -	13	(1), 560	(5)
Bowerman v. Bowerman (1913) - - -	587	(1)	
Brewin, Nicholson & Mercer, Assignees of Katton v. Short, Cutts, North & Gallimore (1855) - - -	222	(1)	
Brocklebank, <i>Ex parte</i> ; <i>In re</i> Brocklebank (1877) - - -	114	(6)	
Brown v. Raindle (1796) - - -	327	(4)	
— v. Walters (1931) - - -	578	(1)	
— v. William Hamilton & Co. (1944) - - -	79	(3)	
Buccleuch, Duke of v. Metropolitan Board of Works (1870) - - -	435	(5)	
Burton v. Chapel Coal Co., Ltd. (1909) - - -	98	(1)	
— v. Shire of Bairnsdale (1908) - - -	91	(9)	
C.			
Caldwell v. Fellowes (1870) - - -	327	(6)	
Caledonian Collieries Ltd. v. Australasian Coal & Shale Employees' Federation (No. 1) (1930) - - -	536	(1)	
Callaghan v. Norman (1948) - - -	385	(1)	
Cameron v. Hogan (1934) - - -	296	(1)	

Capel St. Mary, Suffolk Rector & Churchwardens of v. Packard (1927) - - - - -	269 (4)
Carter v. Carter (1896) - - - - -	221 (1)
Cedars Rapids Manufacturing & Power Co. v. Lacoste (1914) - - - - -	418 (2)
Charan Das v. Amir Khan (1920) - - - - -	423 (2)
Chastleton Corporation v. Sinclair (1923) - - - - -	133 (1)
Chester v. Willan (1670) - - - - -	324 (2)
Clifton v. Clifton (1878) - - - - -	591 (4)
Codling v. John Mowlem & Co., Ltd. (1914) - - - - -	95 (2)
Colonial Bishoprics Fund 1841, <i>In re</i> (1935) - - - - -	276 (1)
Combe v. De La Bere (1881) - - - - -	309 (2)
Commonwealth v. Kreglinger & Fernau Ltd. & Bardsley (1926) - - - - -	124 (3)
— v. Progress Advertising & Press Agency Co. Pty. Ltd. (1910) - - - - -	56 (1)
Condon v. Mudgee Council (1945) - - - - -	113 (2)
Cooper v. Metropolitan Board of Works (1883) - - - - -	428 (1)
Cowper v. Fletcher (1865) - - - - -	327 (2)
Craigdallie v. Aikman (1820) - - - - -	271 (4)
Cribb v. Kynoch, Ltd. (No. 2) (1909) - - - - -	78 (1)
Crouch v. Commonwealth (1948) - - - - -	139 (5)

D.

D. & W. Murray Ltd. v. Federal Commissioner of Taxation (1927) - - - - -	461 (1)
Da Costa v. Da Costa (1732) - - - - -	114 (2)
Daniel v. Camplin (1845) - - - - -	330 (1)
Davies Coop & Co. Ltd. v. Federal Commissioner of Taxation (1948) - - - - -	346 (2)
Davis v. Davis (1910) - - - - -	592 (5)
Dawson v. Commonwealth (1946) - - - - -	124 (2)
De Bueger v. Ballantyne & Co. Ltd. (1938) - - - - -	560 (4)
De Maid's Application to Register a Trade Mark, In the Matter of, & In the Matter of Rothschild's Application to Register a Trade Mark (1921) - - - - -	610 (3)
Denaby Main Colliery Co. v. Manchester, Sheffield & Lincolnshire Railway Co. (1880) - - - - -	192 (3)
Dewe v. Dewe (1928) - - - - -	586 (1)
Drummond v. Attorney-General (1849) - - - - -	257 (2)
Duggan, <i>Ex parte</i> (1902) - - - - -	658 (1)

E.

Edwards v. Godfrey (1899) - - - - -	78 (2)
Ellis v. Ellis (1883) - - - - -	578 (3)
Elphinstone v. Purchas (1870) - - - - -	290 (4)
Eustace v. Scawen (1624) - - - - -	324 (1)
Evans v. Bartlam (1937) - - - - -	643 (1)

F.

Farey v. Burvett (1916) - - - - -	141 (2)
Fielding v. Houison (1908) - - - - -	275 (6)

Finch v. Commissioner of Stamp Duties (1929) - - - - -	208 (1)
Fink v. McIntosh (1946) - - - - -	385 (5)
Fireproof Doors Ltd., <i>In re</i> ; Umney v. The Company (1916) - - - - -	327 (9)
Foden v. Foden (1894) - - - - -	578 (4)
Forbes v. Eden (1867) - - - - -	282 (1)
Fox v. Suwerkrop (1839) - - - - -	114 (4)
Free Church of Scotland v. Overtoun (1904) - - - - -	260 (1)

G.

Geilinger v. Gibbs, (1897) - - - - -	112 (2)
George v. George (1867) - - - - -	581 (1)
Gillette Industries Ltd. v. Commissioner of Patents (1943) - - - - -	175 (1)
Goldsbrough Mort & Co. v. Hall (1948) - - - - -	560 (6)
Goodson v. Grierson (1908) - - - - -	91 (5)
Gore-Booth v. Bishop of Manchester (1920) - - - - -	309 (1)
Greenwell v. Porter (1902) - - - - -	206 (4)
Gregory v. Molesworth (1747) - - - - -	112 (3)
Grose v. Grose (1939) - - - - -	585 (1)
Guy v. Guy (1840) - - - - -	114 (5)

H.

Hallstroms Pty. Ltd. v. Federal Commissioner of Taxation (1946) - - - - -	50 (3)
Hanau v. Ehrlich (1911) - - - - -	653 (1)
Harcourt v. Fox (1693) - - - - -	551 (3)
Harrison v. Wythemoor Colliery Co. (1922) - - - - -	78 (4)
Hartshill Endowment, <i>In re</i> (1861) - - - - -	280 (1)
Hayes v. Minister for Works (1913) - - - - -	416 (3)
Healey v. Bank of New South Wales (1898) - - - - -	91 (3)
Henwood v. Municipal Tramways Trust (S.A.) (1938) - - - - -	151 (1)
Hewett, <i>In re</i> ; Hewett v. Hallett (1894) - - - - -	327 (7)
Hicks's Trade Mark, <i>In re</i> (1897) - - - - -	628 (2)
Hindmarsh v. Quinn (1914) - - - - -	658 (4)
Holford v. Melbourne Tramway & Omnibus Co. Ltd. (1909) - - - - -	158 (1)
Home & Territories, Minister for v. Lazarus (1919) - - - - -	427 (1)
Horn v. Sunderland Corporation (1914) - - - - -	414 (1)
Hubbuck & Sons Ltd. v. Wilkinson, Heywood & Clarke, Ltd. (1899) - - - - -	84 (4)
Hudson's Trade Marks, <i>In re</i> (1886) - - - - -	626 (1)

I.

Inland Revenue Commissioners v. Glasgow & South-Western Railway Co. (1887) - - - - -	424 (3)
— v. Muller & Co.'s Margarine Ltd. (1901) - - - - -	428 (2)
— v. Sir Edward Mann Bt. (1937) - - - - -	206 (1)
Innes v. Lincoln Motor Co. (1921) - - - - -	605 (2)

J.		Milligan <i>v.</i> Mitchell (1837) - - - 257 (1)
Jenkins <i>v.</i> Commonwealth (1947) - 139 (4)		Moors <i>v.</i> Burke (1919) - - - 525 (1)
John Batt & Co., <i>In re</i> the Registered Trade Marks of, & <i>In re</i> Carter's Application for a Trade Mark (1898) - - - 627 (2)		Mosely <i>v.</i> Koffyfontein Mines Ltd. (1911) - - - 599 (3)
Jubb <i>v.</i> Dock Co. at Kingston upon Hull (1846) - - - 424 (1)		Mouton <i>v.</i> Abbott (1949) - - - 385 (2)
Julius <i>v.</i> Right Rev. Lord Bishop of Oxford (1880) - - - 398 (2)		Murray <i>v.</i> Hall (1849) - - - 330 (2)
K.		N.
Kemp <i>v.</i> Wickes (1809) - - - 303 (1)		Nalder <i>v.</i> Hawkins (1833) - - - 114 (1)
Keystone Knitting Mills Trade Mark, <i>In re</i> (1929) - - - 580 (1)		Natal, Bishop of, <i>Re</i> (1864) - - - 286 (2)
King, <i>Ex parte</i> Rev. George (1861) - 275 (7)		— <i>v.</i> Gladstone (1864) - - - 257 (5)
— <i>v.</i> Edinburgh Collieries Co., Ltd., (1924) - - - 98 (3)		National Revenue, Minister of <i>v.</i> Wrights' Canadian Ropes Ltd. (1947) - - - 360 (1)
Kinneil Cannel & Coking Coal Co. Ltd. <i>v.</i> Waddell (1931) - - - 82 (1)		Neale <i>v.</i> Electric & Ordnance Accessories Co., Ltd. (1906) - - - 77 (2)
Koffyfontein Mines Ltd. <i>v.</i> Mosely (1911) - - - 599 (2)		North Stafford Steel, Iron & Coal Co. (Burslem), Ltd. <i>v.</i> Ward (1868) - - - 550 (1)
L.		O.
Lands, Minister for <i>v.</i> Harrington (1899) - - - 501 (1)		O'Keefe & McKenna <i>v.</i> Williams (1910) - - - 487 (2)
Latham <i>v.</i> Latham & Gethin (1861) 578 (2)		O'Mara <i>v.</i> Harris (1948) - - - 388 (1)
Latter <i>v.</i> Muswellbrook Corporation (1936) - - - 76 (1)		Osenton <i>v.</i> Johnston (1942) - - - 643 (3)
Lawrance <i>v.</i> Norreys (1888) - - - 92 (1)		P.
Leathley <i>v.</i> John Fowler & Co. Ltd. (1946) - - - 94 (1)		Parbury Henty & Co. Pty. Ltd. <i>v.</i> Minister of State for the Army (1944) - - - 428 (6)
Leslie <i>v.</i> Leslie (1911) - - - 590 (1)		Parker <i>v.</i> Taswell (1858) - - - 327 (5)
Lesquendieu, <i>In the Matter of</i> the Trade Marks of J. (1934) - - - 607 (4)		Pastoral Finance Association Ltd. <i>v.</i> The Minister (1914) - - - 419 (2)
Levy <i>v.</i> Abercorris Slate & Slab Co. (1887) - - - 599 (1)		Payne <i>v.</i> Deputy Federal Commissioner of Taxation (1936) - - - 26 (2), 560 (3)
London Brick Co., Ltd. <i>v.</i> Robinson (1943) - - - 112 (1)		Peacock <i>v.</i> Newtown Marrickville & General Co-operative Building Society No. 4 Ltd. (1943) - - - 183 (6)
London, Mayor, &c. of City of <i>v.</i> Horner (1913) - - - 84 (3)		Peddie, <i>In the Matter of</i> Applications by John Taylor (1943) - - - 607 (3)
London & North-Western Railway Co. <i>v.</i> Evans (1893) - - - 500 (1)		Pender <i>v.</i> Lushington (1877) - - - 206 (3)
Long <i>v.</i> Bishop of Capetown (1863) 257 (4)		Perkins <i>v.</i> Hugh Stevenson & Sons, Ltd. (1940) - - - 105 (2)
M.		Perpetual Executors & Trustees Association of Australia Ltd. <i>v.</i> Commissioner of Taxation (1948) 513 (1)
M. <i>v.</i> M. (1923) - - - 579 (1)		— <i>v.</i> Hosken (1912) - - - 327 (1)
Macaura <i>v.</i> Northern Assurance Co. Ltd. (1925) - - - 223 (1)		Perpetual Executors Trustees & Agency Co. (W.A.) Ltd. (John Turnbull Trust) <i>v.</i> Federal Commissioner of Taxation (1935) - - - 360 (3)
McGregor <i>v.</i> McGregor (1888) - - - 654 (2)		Peter <i>v.</i> Compton (1693) - - - 658 (5)
McKay <i>v.</i> Rutherford (1848) - - - 656 (1)		Pianotist Co. Ltd., <i>In the matter of</i> an Application by, for the Registration of a Trade Mark (1906) - 604 (1)
McNicol <i>v.</i> Pinch (1906) - - - 343 (1)		Pioneer Laundry & Dry Cleaners Ltd. <i>v.</i> Minister of National Revenue (1940) - - - 360 (2)
Martin <i>v.</i> Machonochie (1868) - - - 263 (3)		Puddephatt <i>v.</i> Leith (1916) - - - 206 (5)
Medical Board of Victoria <i>v.</i> Meyer (1937) - - - 191 (1)		
Merriman <i>v.</i> Williams (1882) - - - 264 (3)		
Mighall <i>v.</i> Mighall (1929) - - - 585 (2)		
Miles <i>v.</i> Chilton (1849) - - - 577 (3)		
Miller <i>v.</i> Commonwealth (1946) - - - 126 (2)		

R.

R. v. Beecham & Co.; <i>Ex parte</i>	
Cameron & Co. (1910) -	394 (5)
— <i>v.</i> Boycott; <i>Ex parte</i> Keadley	
(1939) -	196 (2)
— <i>v.</i> Brown (1867) -	419 (1)
— <i>v.</i> Commissioners of Inland	
Revenue; <i>In re</i> Nathan (1884) -	399 (1)
— <i>v.</i> Commonwealth Court of Con-	
ciliation & Arbitration & the Aus-	
tralian Builders' Labourers' Fed-	
eration; <i>Ex parte</i> Jones; <i>Ex</i>	
<i>parte</i> Cooper & Sons (1914) -	399 (3)
— <i>v.</i> ——— & the Boot Trade Em-	
ployes Federation; <i>Ex parte</i>	
Whybrow & Co. (1910) -	399 (2)
— <i>v.</i> Federal Commissioner of Taxa-	
tion; <i>Ex parte</i> Sir Kelso King	
(1930) -	452 (1)
— <i>v.</i> Foster; <i>Ex parte</i> Crown Crystal	
Glass Co. Pty. Ltd. (1945) -	403 (2)
— <i>v.</i> Galvin; <i>Ex parte</i> Metal Trades	
Employees' Association (1949) -	408 (1),
	538 (2)
— <i>v.</i> Hendon Rural District Council;	
<i>Ex parte</i> Chorley (1933) -	196 (1)
— <i>v.</i> Hickman; <i>Ex parte</i> Fox &	
Clinton (1945) -	192 (1)
— <i>v.</i> Milk Marketing Board; <i>Ex</i>	
<i>parte</i> North (1934) -	196 (3)
— <i>v.</i> Sleep (1861) -	527 (1)
— <i>v.</i> Tithe Commissioner for Eng-	
land & Wales (In the matter of	
Great Hale Tithes) (1849) -	398 (1)
Raja Vyricherla Narayana Gajapa-	
tiraju <i>v.</i> Revenue Divisional	
Officer, Vizagapatam (1939) -	418 (1)
Read, <i>Ex parte</i> (1888) -	285 (1)
— <i>v.</i> Bishop of Lincoln (1889) -	259 (2)
Real Estate Institute of New South	
Wales <i>v.</i> Blair (1946) -	126 (3)
Redbank Meatworks Pty. Ltd. <i>v.</i>	
Commissioner of Taxes (Q.) (1944) -	560 (2)
Rhodes <i>v.</i> Swithenbank (1889) -	113 (3)
Ryan <i>v.</i> Davies Bros. Ltd. (1921) -	589 (1)
— <i>v.</i> Mutual Tontine Westminster	
Chambers Association (1893) -	282 (4)

S.

St. David, Bishop of <i>v.</i> Lucy (1699) -	285 (2)
Scad Ltd., <i>In re</i> (1941) -	593 (1)
Seven Up Co. <i>v.</i> O.T. Ltd. (1947) -	607 (2)
Sheppard <i>v.</i> Bennett (1872) -	264 (2)
Shore <i>v.</i> Wilson (1842) -	295 (7)
Short <i>v.</i> Treasury Commissioners	
(1948) -	206 (2)
Shrimpton <i>v.</i> Commonwealth (1945) -	124 (1)
Simpson <i>v.</i> Mitchell (1944) -	385 (4)
Sloan <i>v.</i> Pollard (1947) -	126 (1)
Smith <i>v.</i> Westall (1698) -	651 (1)
Solicitor-General <i>v.</i> Wylde (1945) -	283 (5)
Souch <i>v.</i> Strawbridge (1846) -	658 (6)

Spitzel <i>v.</i> Chinese Corporation Ltd.	
(1899) -	598 (1)
Stenhouse <i>v.</i> Coleman (1944) -	134 (1)
Stephenson <i>v.</i> Stephenson (1941) -	586 (4)
Succession Duties (S.A.), Commis-	
sioners of <i>v.</i> Executor Trustee &	
Agency Co. of South Australia	
Ltd. (1947) -	423 (1)
Sydney Smith, In the matter of Let-	
ters Patent granted to (1944) -	173 (1)

T.

Tasmania <i>v.</i> Victoria (1935) -	130 (2)
Tatchell <i>v.</i> Lovett (1908) -	526 (1)
Taxation (S.A.), Deputy Federal	
Commissioner of <i>v.</i> Ellis & Clarke	
Ltd. (1934) -	345 (1)
Taxation, Federal Commissioner of	
<i>v.</i> Gordon (1930) -	55 (1)
— <i>v.</i> Miller Anderson Ltd.	
(1946) -	560 (1)
Taxes (S.A.), Commissioner of <i>v.</i>	
Executor Trustee & Agency Co. of	
S.A. Ltd. (1940) -	513 (2)
Tearle <i>v.</i> Edols (1888) -	492 (1)
Tindal, <i>Re</i> ; Perpetual Trustee Co.	
Ltd. <i>v.</i> Tindal (1933) -	658 (3)
Tooheys Ltd. <i>v.</i> Commissioner of	
Taxation (1922) -	60 (1)
Torni, The (1932) -	27 (1)
Towill <i>v.</i> Bailey (1949) -	385 (6)
Tucker <i>v.</i> Coleman (1885) -	333 (1)
Tulk <i>v.</i> Tulk (1907) -	642 (1)
Tweddle <i>v.</i> Federal Commissioner of	
Taxation (1942) -	60 (2)

U.

United States of America <i>v.</i> Carolene	
Products Co. (1937) -	133 (2)
Unsworth <i>v.</i> Elder Dempster Lines,	
Ltd. (1940) -	98 (8)

V.

Victorian Stevedoring & General	
Contracting Co. Pty. Ltd. and	
Meakes <i>v.</i> Dignan (1931) -	122 (1), 579 (3)

W.

W. & A. McArthur Ltd. <i>v.</i> Federal	
Commissioner of Taxation (1930) -	461 (2)
W. Nevill & Co. Ltd. <i>v.</i> Federal	
Commissioner of Taxation (1937) -	55 (2)
Wala Wyraad Indian Gold Mining	
Co., <i>Re</i> (1882) -	363 (1)
Wall <i>v.</i> Bank of Victoria Ltd. (1890) -	91 (4)
Warner Bros. First National Pic-	
tures Pty. Ltd. <i>v.</i> Federal Com-	
missioner of Taxation (1945) -	559 (2)
Watt <i>v.</i> McLaughlin (1923) -	282 (3)

Webb v. Hanlon (1939) - - - - -	183 (5)	Wright v. Prescott Urban District Council (1916) - - - - -	91 (6)
Wellington City Corporation v. Public Trustee, McDonald, & District Land Registrar, Wellington (1921) - - - - -	327 (10)	Y.	
Welton v. Welton (1927) - - - - -	586 (2)	Young v. Bristol Aeroplane Co. Ltd. (1946) - - - - -	76 (2)
Westerton v. Liddell (1855) - - - - -	264 (1)	Z.	
White v. Commissioner of Works & Public Buildings (1870) - - - - -	424 (2)	Zimble v. Abrahams (1903) - - - - -	327 (8)
William Powell (Trading as Goodall, Backhouse & Co.) v. Birmingham Vinegar Brewery Co. Ltd. (1894) - - - - -	606 (1)	"Zonophone," In the Matter of the Registered Trade Mark (1903) - - - - -	607 (1)
Wilson v. Markham (1949) - - - - -	385 (3)		

CORRIGENDUM.

Page 225—In line 15, for "*Wylde*, (1948) S.R. (N.S.W.) 147," read "*Wylde*,
(1948) 48 S.R. (N.S.W.) 366; 65 W.N. 147."