

1951-1952.

THE

# COMMONWEALTH LAW REPORTS

CASES DETERMINED IN THE

## HIGH COURT OF AUSTRALIA

EDITOR :

B. P. MACFARLAN, Q.C.

REPORTERS :

New South Wales . . . . . JOSEPH BALES, LL.B.  
Victoria . . . . . E. F. HEALY, LL.M.  
South Australia . . . . . BRIAN HUNTER, LL.B.  
Tasmania . . . . . J. R. REX, LL.B.  
Queensland . . . . . B. J. JEFFRIESS.  
Western Australia . . . . . F. T. P. BURT, LL.M.

*Barristers-at-Law.*

### VOL. 85.

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, Parsons & 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 OWEN DIXON, P.C., K.C.M.G., CHIEF  
JUSTICE.

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

THE HONOURABLE DUDLEY WILLIAMS.

THE HONOURABLE SIR WILLIAM FLOOD WEBB.

THE HONOURABLE WILFRED KELSHAM FULLAGAR.

THE HONOURABLE FRANK WALTERS KITTO.

---

ATTORNEY-GENERAL:

SENATOR THE HONOURABLE JOHN ARMSTRONG SPICER, Q.C.

Our late Sovereign KING GEORGE THE SIXTH died at Sandringham House, in the fifty-seventh year of his age and the sixteenth year of his reign, on 6th February, 1952. HER ROYAL HIGHNESS THE PRINCESS ELIZABETH was thereupon proclaimed Queen by the title of ELIZABETH THE SECOND.

## MEMORANDA

---

1952

- April 7.—Resignation of THE RIGHT HONOURABLE SIR JOHN GREIG LATHAM, P.C., G.C.M.G., of the office of Chief Justice of the High Court of Australia, accepted.
- April 18.—Appointment of the RIGHT HONOURABLE SIR OWEN DIXON, P.C., K.C.M.G., to the office of Chief Justice of the High Court of Australia.



## RETIREMENT OF THE CHIEF JUSTICE.

---

On Monday, 7th April, 1952, in order to mark the retirement of the Right Honourable SIR JOHN GREIG LATHAM, P.C., G.C.M.G., as Chief Justice of the High Court of Australia, farewell addresses were delivered in the High Court in Melbourne by MR. J. B. TAIT, Q.C., on behalf of the Bar in Victoria, by MR. R. N. VROLAND, on behalf of the Law Council of Australia, and by MR. A. WARRINGTON ROGERS, on behalf of the Law Institute of Victoria.

In his reply, SIR JOHN said :

“ Mr. Tait, Mr. Vroland and Mr. Warrington Rogers, ladies and gentlemen, I thank you indeed for the most generous things that you have said about me. No one in my position could be otherwise than moved by the tributes which have been paid to me on behalf of the Bar, of which I have been a member since 1905, and of which I am still a member. During that period I was secretary of the Committee of Counsel, I was closely associated with the inauguration of the Law Council and also had many associations with the Law Institute representing the solicitors. I did two years articles in a solicitor's office before reading for the Bar. That is one reason why as a judge I was better than might have been expected, and that may or may not be a tribute to myself. The relation of the Bar and of the Bench to solicitors is very important indeed. My relations have always been very happy. After sixteen years of service on the Bench in a position of prominence and leadership I appreciate the tributes which I have received from the profession.

The Bar in particular, the solicitors to a large extent, and the judges entirely, work in public and are subject to the criticism of the public and the fellow members of their profession.

I accepted this position with a sense of fear and trembling when I thought of those whom I was to have the duty of succeeding.

I have found my work interesting, responsible, and not easy. The difficulty was to do your best, and to be satisfied that you had done your best. Throughout my period of office as a judge, I have always felt that I have had the support, the help, and the assistance of a strong legal profession.

A judge would be entirely insensitive to the nature of his duties if he did not realise the importance of a strong Bar, educated, learned, and independent. During my tenure of office I have always sought to secure that every argument had a fair hearing.

It has sometimes been difficult to hear repetition of argument when the same proposition has been advanced six times. Perhaps there is room for suggesting that arguments have become over

## VIII.

lengthy. There have been occasions when I have quite fully understood the proposition at its third statement, and when it was quite unnecessary to state it six times, but I hope I have not been impatient on the Bench, because one of the first requisites of a judge is to hear argument fairly, and that means fully, but not over-fully.

I have suffered during my occupation of office from the defect that I always wanted to understand the argument that has been put, and I had a principle that all argument should be intelligible. That is sometimes, a difficult standard to attain and I had to apply it in the subjective sense that the term intelligible meant intelligible to me. I hope I have not been unduly insistent in requiring counsel to say exactly what it was they were arguing, or endeavouring to argue.

I have been, during the past year, engaged in framing new rules of court. Among these rules are provisions for the submission of argument upon appeals in written form. It will not be compulsory to adopt that practice, but it is thought by the judges of the court that if such a practice is established, and wisely used, it will help towards clarity of argument and will save both Bench and Bar a great deal of time.

Of course it will have the disadvantage to which I have already referred, that counsel will find themselves under the necessity of stating their arguments in a clear and reasoned form, but that, after all, is an objection which can only be maintained privately, and not uttered in public.

The High Court is a general court of appeal, and our work has been most varied, reaching into every department of the law. Most attention is paid to the court by the public in relation to constitutional cases. The position of the court in a federal system such as ours is a position of great and highly significant importance but the constitutional work of the court has been only a fraction of its work.

The Constitution has now been in operation for fifty years. On the whole the Constitution has worked well, but I venture to suggest on this occasion that the time has arrived for a review of the Constitution in relation to some matters which stand out, from the legal point of view, as well as from the political point of view—though the court is concerned only with the legal aspect of those problems.

The Constitution, I suggest, might be reconsidered with advantage. One of the difficulties of improving the Constitution is that a proposal is always made by one political party, and is sometimes objected to just because it has been made by that party. I suggest that it is



not too much to hope for that some reconsideration of the Constitution may be conducted upon a non-party basis.

Among the matters which I suggest might engage the attention of those who have the knowledge, capacity, and interest to consider these problems are—

In the first place there is the power with respect to inter-State trade. The distinction between inter-State and intra-State trade appeared more real in 1900 or 1901 than it does today. The distinction is largely a distinction upon paper, and not in fact. The distribution of Federal and State powers in relation to this large subject matter is a matter which really calls for inquiry.

Connected with the subject of trade is s. 92. When I die, s. 92 will be found written on my heart. It is quite time that some consideration was given to the possibility of doing something about s. 92. When I say doing something, I mean doing something other than submitting to a series of judgments and endeavouring to work out a proposition which will be consistent with all of them. A new approach is required to s. 92, and no approach has been made towards reconsideration of that provision. Any proposals for reconsideration of s. 92 will inevitably involve great differences of opinion, but even if they trench upon grave political differences, some attempt might be made to make the words a little clearer.

Then there is the question of the financial relations of the Commonwealth and the States. This evidently requires further consideration; whatever the legal position may be, it is quite plain that if a federal system is to continue there must be a reconsideration of the present position.

The industrial power of the Commonwealth, s. 51 (xxxv.), with which I have had so much to do, in Parliament and on the Bench, is such that I am almost ashamed to refer to it. That provision is legalistic in the extreme. It affects the most important element in modern life, involving the determination not only of political but also of economic questions by some form of public authority.

There is a great deal of unnecessary formalism resulting from the present power relating to disputes, extension of disputes, and the like, which might well be saved to industry and the community if amendments were made in this part of the Constitution, even without running into highly controversial partisan questions.

I also think that if some wise and experienced person could define excise duty it would be a real help to all the Parliaments of Australia.

Finally let me mention the corporation power. The corporation power might be very useful but it is so obscure that no Parliament

is prepared to do very much in running the risk of attempting to legislate under it.

These are matters which impress one who has had experience of the Constitution in many capacities, but more particularly as a judge.

I have only one other observation to make. It is this. Not all cases are decided unanimously in the High Court, or in any other court of appeal. There is sometimes criticism of one or other court, in relation to division of opinion. Let me say two things about that.

In the first place the provisions for appeal in themselves admit, strange as it may appear, the possibility of judicial fallibility. No one who believes in any system of appeal can complain of divergence of judicial opinion as such. Secondly, every day hundreds of thousands of legal transactions take place; possibly millions of transactions have legal significance. In most of these the law is perfectly clear and no difficulty arises.

In a very small proportion of the cases there is room for difference of opinion and disputes, and they may go to the Justices' Court, to the County Court, to the Supreme Court, or to the High Court.

When a case reaches the High Court, as a rule it is because there are either great interests involved, or there is some genuine difficulty in law as to which there are arguments available on both sides.

The point I desire to make is that on the whole it is the difficult cases, the doubtful cases only, which reach a tribunal such as this, and they are a very small fraction of the cases which might arise. They represent really only an infinitesimal proportion of the legal transactions that take place.

I hope, therefore, that the profession will not be led into doubts as to the value and validity of the law by academic discussions of marginal cases. Naturally those who write on legal subjects are interested in the marginalia of the law, but I ask you to remember that the law as a whole works very well indeed, and that you should not judge the certainty of the law upon divisions of opinion in the final court of appeal upon a matter which has been through other tribunals.

I leave the High Court feeling confident that the courts of Australia have the confidence of the people. That is due to the character of the judges, and the essential and intimate connection between the courts and a strong and independent legal profession. I look forward to the courts and the profession continuing their vitally important service to the people of Australia, and to the maintenance and improvement of the high standard which has hitherto obtained.

I am glad to go into retirement feeling that I have the goodwill of so many friends."

## SWEARING IN OF SIR OWEN DIXON AS CHIEF JUSTICE.

On Monday, 21st April, 1952, in the High Court in Sydney the Right Honourable SIR OWEN DIXON, P.C., K.C.M.G., took the oaths of office as Chief Justice of the High Court of Australia. Addresses of congratulation were delivered by Senator J. A. SPICER, Q.C., Attorney-General of the Commonwealth, by the Honourable C. E. MARTIN, Q.C., Attorney-General of the State of New South Wales, and by Mr. R. de FERRANTI, on behalf of the Incorporated Law Institute of New South Wales.

In his reply, SIR OWEN said :

“ Mr. Attorney-General of the Commonwealth, Mr. Attorney-General of New South Wales, Mr. de Ferranti, gentlemen of the Bar, gentlemen practising as solicitors : I am, and of course it is needless to say, deeply moved by the very generous and over-kind statements you have made about my judicial work. It is only too true that I came to the Bar a long time ago and I came to the Bench a long time ago. I have spent a little under nineteen years at the Bar and I have spent a little over twenty-three years on the Bench.

I think it is hardly useful to refer to the past except to explain the present. But my work at the Bar covered a period when I was younger and when perhaps according to the ordinary nature of man he derives greater pleasure and excitement from his activities. The activities at the Bar are greater than those on the Bench, and the responsibilities are no less. The Bar has traditionally been, over the centuries, one of the four original learned professions. It occupied that position in tradition because it formed part of the use and the service of the Crown in the administration of justice. But because it is the duty of the barrister to stand between the subject and the Crown, and between the rich and the poor, the powerful and the weak, it is necessary that, while the Bar occupies an essential part in the administration of justice, the barrister should be completely independent and work entirely as an individual, drawing on his own resources of learning, ability and intelligence, and owing allegiance to none.

The work of solicitors in the administration of justice has the greatest possible importance, but their allegiance is perhaps more to their clients who have a more permanent or at all events a longer relation with them than the transitory relations between client and

XII.

counsel when the full enthusiasms and force of the advocate are attached to the individual for a short space of time.

I would like to say that from long experience on the Bench and a not much shorter experience at the Bar there is no more important contribution to the doing of justice than the elucidation of the facts and the ascertainment of what a case is really about, which is done before it comes to counsel's hands. Counsel, who brings his learning, ability, character and firmness of mind to the conduct of causes and maintains the very high tradition of honour and independence of English advocacy, in my opinion makes a greater contribution to justice than the judge himself.

In the course of the last twelve months I have presided in this Court as what may be called a *de facto*. I wish to say how much support, encouragement and co-operation I have received from my colleagues in that position, and to give them my thanks for their ever-ready loyal help and assistance.

The court is a co-operative institution; the position of the man who presides differs very little from that of any other judge. Perhaps he receives a little more attention from the Bar than he deserves because he announces the conclusions of the court first, but all my judicial experience tells me that a man's influence on the court does not depend on where he sits.

I have had the privilege of knowing all the Chief Justices of this Court. Before SIR SAMUEL GRIFFITH I appeared not infrequently. I knew him but slightly privately. The other Chief Justices I have known both as men and as judges. To those who turn their minds to the past and think of SIR SAMUEL GRIFFITH, SIR ADRIAN KNOX, SIR ISAAC ISAACS, SIR FRANK GAVAN DUFFY and SIR JOHN LATHAM, it will be easy to understand that I come to take their seat with a great feeling of humility. Their abilities were various but all very striking, and all of them in some association or other with myself impressed their personality upon me. But when one man goes another must take his place, and it is of little use for the man who succeeds to consider his inadequacy to take the post of those who have preceded him. His duty is to do his best.

SIR ADRIAN KNOX took his seat in Melbourne in 1919, and I was present when he took the oath of office and spoke as I am doing now. In the course of his remarks, as I remember very well, he said that he had been very much struck by receiving from Sir William Cullen a telegram which addressed him as The Chief Justice of Australia, a title to be distinguished from that of Chief Justice of the High Court of Australia, and he remarked that such an address would have been impossible fifteen years before.

Today I am highly flattered with the compliment the Chief Justice of New South Wales has paid me by being present when I take the oath of office. Since ADRIAN KNOX spoke in that manner further time has passed, and I think it has become apparent to a larger number of people, and to all the judges of the Commonwealth, that the judicial system of the Commonwealth is an integral whole and that the High Court stands merely as the final appellate tribunal in Australia in that coherent and established system which is recognised as a unit in judicial administration.

MR. JUSTICE OWEN reinforces the compliment which the Chief Justice has paid me by being present, and I have the happiness to have with me once more SIR GEORGE RICH, who for so long, during I should think the greater part of my life as an advocate and as a judge, has given by example, a lesson in the place that humanity, urbanity and wit may take in a court of ultimate appeal. I am very grateful for his presence.

But the Chief Justice of New South Wales has not merely paid me a personal compliment, he has paid it to the court.

In saying that this represents simply the appellate tribunal and the tribunal for Federal questions in the judicial system of the Commonwealth, I do not overlook the distinction which we unfortunately maintain between State and Federal jurisdiction. That is an eighteenth century conception which we derived from the United States of America in the faithful copy which was made of their judicial institutions. It is to be hoped that at some future time it will be recognised that under the English system of law, the British system of law which we inherited, the whole body of law is antecedent to the work of any Legislature and that the courts as a whole must interpret and apply the whole body of law, so that there should be one judicial system in Australia which is neither State nor Commonwealth but a system of Australian Courts administering the total body of the law.

The High Court's jurisdiction is divided in its exercise between constitutional and federal cases which loom so largely in the public eye, and the great body of litigation between man and man, or even man and government, which has nothing to do with the Constitution, and which is the principal preoccupation of the court. Federalism means a demarcation of powers and this casts upon the court a responsibility of deciding whether legislation is within the boundaries of allotted powers. Unfortunately that responsibility is very widely misunderstood, misunderstood, largely by the popular use and misuse of terms which are not applicable, and it is not sufficiently recognised that the court's sole function is to interpret

#### XIV.

a constitutional description of power or restraint upon power and say whether a given measure falls on one side of a line consequently drawn or on the other, and that it has nothing whatever to do with the merits or demerits of the measure.

Such a function has led us all I think to believe that close adherence to legal reasoning is the only way to maintain the confidence of all parties in Federal conflicts. It may be that the court is thought to be excessively legalistic. I should be sorry to think that it is anything else. There is no other safe guide to judicial decisions in great conflicts than a strict and complete legalism.

The nature of the court's methods is somewhat different from those which are habitually followed in England, particularly by the court of appeal. We are accustomed, as all know, more often than not to reserve our judgment and to consider the case and to deliver a written judgment. In England, with the pressure of business of modern times, that is rather the exception than the rule in the court of appeal.

I wish to take this opportunity of pointing out the great difference which the two methods necessarily involve from the point of view of the advocate and the judge. From the point of view of the advocate, where the usual course is to reserve judgment, he is conducting an argument which is to be recorded by the judge or judges and is to be considered and investigated and compared with that of his adversary. If judgment is to be delivered immediately judges must necessarily adopt a critical and not sympathetic approach to arguments and must sift them and decide as they proceed from the mouth of counsel whether they have validity or not, and what is their validity.

The methods of the court have greatly changed during the period with which I have been connected with it. When I first began to practise before it its methods were entirely dialectical, the minds of all the judges were actively expressed in support or in criticism of arguments. Cross-examination of counsel was indulged in as part of the common course of argument. For myself, that system was advantageous. Apparently I was endowed with a greater degree of endurance or lack of sensibility than most people, but whether because those of greater nervous endurance or physical capacity were not so often to be met with as perhaps they may now be, or for other reasons, there was a large body of counsel who disliked that procedure, and when I came to the Bench I had formed a conviction that it was not a desirable one. I felt that the process by which arguments were torn to shreds before they were fully admitted to the mind led to a lack of coherence in the presentation of a

case and to a failure of the Bench to understand the complete and full cases of the parties, and I therefore resolved, so far as I was able to restrain my impetuosity, that I should not follow that method and I should dissuade others from it.

In the course of years I think the temper of the court has entirely changed, but it probably has developed opposite defects. The method which it now follows has a tendency perhaps to produce a little indecision, which may only be a postponement of judgment; a greater burden is thrown upon the judges, and there is, as an inevitable consequence, a tendency to work out new and possibly unexplored solutions of cases after the argument has finished. However, the other method has its advantages and that which we now pursue at all events appears to me to be best. But it is perhaps desirable to say that the method which we now pursue places an added responsibility upon solicitors because when a case comes here and is subjected to that method of inquiry or investigation it is very essential that all the facts should be available and the court should not be led into error by a partial, inadequate and incomplete picture of what actually happened between the parties.

The court and the legal profession stand as the necessary foundation of any community. Indeed it may be said that the courts and the system of law are both the foundation and the steel framework, but neither a foundation nor a steel framework is ever able to do more than support a structure with stability and at rest.

Lawyers are often criticised because their work is not constructive. It is not their business to contribute to the constructive activities of the community, but to keep the foundations and framework steady. Those who believe in a planned society should perceive that the rule of law administered by the courts offers a reconciliation of ordered liberty with planned control. Those who, on the contrary, believe that society is best served by giving rein to the competitive exertion of the energies of everyone in his calling or pursuit must also see that the courts must preserve the rights of each from the encroachment of the others. Between those two views there are gradations in which the court must serve the like function.

The authority of the courts of law administering justice according to law is a product of British tradition and it is for us to maintain it. There is I believe a general respect for the Queen's courts of justice which administer justice according to law, and I believe that there is a trust in them. But it is because they administer justice according to law.

It is important to maintain the prestige of the legal profession and it is important to maintain the status of the judiciary. The

status of the judiciary is perhaps first and foremost the responsibility of the judges themselves. The respect for the courts must depend upon the wisdom and discretion, the learning and ability, the dignity and restraint which the judges exhibit. But there are other factors which are not within the control of the judges. We are not accustomed in Australia to administer justice in the stately edifices of other countries. We are not accustomed to accord judges the same high precedence as they are accorded in other countries.

There is in Australia a large number of jurisdictions and a confusion in the public mind as to the functions the jurisdictions possess. The character of the functions is misunderstood and the public do not maintain the distinction between the administration of justice according to law and the very important functions of industrial tribunals.

I have devoted the greater part of my life to the study and practice of the law. I come to this responsible office with an undiminished belief in the fundamental importance of the courts of justice in sustaining the whole edifice of society, and all I can say in conclusion is that I will do my best to maintain and protect their reputation and status.

Gentlemen of the Bar, gentlemen of the solicitors' profession, Mr. Attorney-General of the Commonwealth and Mr. Attorney-General of the State, I thank you deeply."



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

85 C.L.R.

---

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

---

A.		F.
Alford <i>v.</i> Magee - - - - -	437	Fern Tree Gully, Shire of; Salva- tion Army (Victoria) Property Trust <i>v.</i> - - - - -
Attorney-General for New South Wales <i>v.</i> Perpetual Trustee Co. (Ltd.) - - - - -	237	159
		Foster; R. <i>v.</i> ; <i>Ex p.</i> Commcn- wealth Life (Amalgamated) As- surances Ltd. - - - - -
		138
B.		K.
Birdsall Brothers Pty. Ltd. <i>v.</i> State of New South Wales -	488	Kelly; R. <i>v.</i> ; <i>Ex p.</i> Waterside Workers' Federation of Aus- tralia - - - - -
Brazell, Garlick and Coy. <i>Ex p.</i> ; R. <i>v.</i> Wilkinson - - - - -	467	601
Broken Hill Theatres Pty. Ltd. <i>v.</i> Federal Commissioner of Taxa- tion - - - - -	423	
C.		L.
Cavallari <i>v.</i> Premier Refrigeration Co. Pty. Ltd. - - - - -	20	Leslie; Stanwell Park Hotel Co. Ltd. <i>v.</i> - - - - -
Commercial Banking Co. of Sydney Ltd.; Richardson <i>v.</i> - - - - -	110	189
Commonwealth Life (Amalga- mated) Assurances Ltd., <i>Ex p.</i> ; R. <i>v.</i> Foster - - - - -	138	London; Commissioner for Rail- ways (N.S.W.) <i>v.</i> - - - - -
Commonwealth; Nelungaloo Pty. Ltd. <i>v.</i> - - - - -	545	95
		Luxton <i>v.</i> Vines - - - - -
		352
		M.
		McTavish; Queensland News- papers Pty. Ltd. <i>v.</i> - - - - -
		30
		Magee; Alford <i>v.</i> - - - - -
		437
		Midland Railway Co. of Western Australia Ltd.; Federal Com- missioner of Taxation <i>v.</i> - - - - -
		306

N.	S.
Nelungaloo Pty. Ltd v. Commonwealth - - - - - 545	Salvation Army (Victoria) Property Trust v. Shire of Fern Tree Gully - - - - - 159
New South Wales, State of; Bird-sall Brothers Pty. Ltd. v. - 488	Shaw v. The Queen - - - - - 365
—; Wilcox Mofflin v. - 488	Shepperd v. Council of the Municipality of Ryde - - - - - 1
O.	Stamp Duties, Commissioner of (N.S.W.); Oakes v. - - - - - 386
Oakes v. Commissioner of Stamp Duties of New South Wales. - 386	Stanwell Park Hotel Co. Ltd. v. Leslie - - - - - 189
P.	T.
Perpetual Trustee Co. (Ltd.); Attorney-General for New South Wales v. - - - - - 237	Taxation, Federal Commissioner of; Broken Hill Theatres Pty. Ltd. v. - - - - - 423
Premier Refrigeration Co. Pty. Ltd.; Cavallari v. - - - - - 20	— v. Midland Railway Co. of Western Australia Ltd. - - - - - 306
Q.	Tram and Omnibus Services, Commissioner for Government v. Vickery - - - - - 635
Queensland Newspapers Pty. Ltd. v. McTavish - - - - - 30	Turner v. York Motors Pty. Ltd. 55
R.	V.
R. v. Foster; <i>Ex p.</i> Commonwealth Life (Amalgamated) Assurances Ltd. - - - - - 138	Vickery; Commissioner for Government Tram and Omnibus Services - - - - - 635
— v. Kelly; <i>Ex p.</i> Waterside Workers' Federation of Australia - - - - - 601	— v. Woods - - - - - 336
—; Shaw v. - - - - - 365	Vines; Luxton v. - - - - - 352
— v. Wilkinson; <i>Ex p.</i> Brazell, Garlick and Coy - 467	W.
Railways, Commissioner for (N.S.W.) v. London - - - - - 95	Waterside Workers' Federation of Australia, <i>Ex p.</i> ; R. v. Kelly 601
Richardson v. Commercial Banking Co. of Sydney Ltd. - - - - - 110	Wilcox Mofflin Ltd. v. State of New South Wales - - - - - 488
Riddle v. Riddle - - - - - 202	Wilkinson; R. v.; <i>Ex p.</i> Brazell, Garlick and Coy - - - - - 467
Ryde, Council of the Municipality of; Shepperd v. - - - - - 1	Woods; Vickery v. - - - - - 336
	Y.
	York Motors Pty. Ltd.; Turner v. 55

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

- Attorney-General v. Perpetual Trustee Co. (Ltd.)*, (1951) 51 S.R. (N.S.W.) 109; 68 W.N. 116.  
Affirmed 85 C.L.R. 237.
- Attorney-General v. Worrall*, (1895) 1 Q.B. 99.  
Discussed 85 C.L.R. 386.
- British Insulated and Helsby Cables Ltd. v. Atherton*, (1926) A.C. 205.  
Applied 85 C.L.R. 423.
- Clark v. Commissioner for Railways*, (1936) 53 W.N. (N.S.W.) 196.  
Discussed 85 C.L.R. 95.
- Collins v. Hunter (R. v. Foster; Ex parte Rural Bank of New South Wales; Wagner v. Gall; Collins v. Hunter)*, (1949) 79 C.L.R. 43.  
Applied 85 C.L.R. 30.
- Commonwealth v. Quince*, (1944) 68 C.L.R. 227.  
Followed 85 C.L.R. 237.
- Feoffees of Heriot's Hospital v. Gibson*, (1814) 2 Dow 301 [3 E.R. 873].  
Discussed 85 C.L.R. 1.
- Jones v. Commonwealth Court of Conciliation and Arbitration*, (1917) A.C. 528.  
Referred 85 C.L.R. 545.
- Lake Victoria Ltd. v. Commissioner of Stamp Duties*, (1949) 49 S.R. (N.S.W.) 262; 66 W.N. 119.  
Referred 85 C.L.R. 336.
- Midland Railway Co. of Western Australia Ltd. v. Federal Commissioner of Taxation*, (1950) 81 C.L.R. 384.  
Affirmed 85 C.L.R. 306.
- Nelson, Ex parte [No. 2]*, (1929) 42 C.L.R. 258.  
Referred 85 C.L.R. 545.
- Nelungaloo Pty. Ltd. v. Commonwealth*, (1948) 75 C.L.R. 495.  
Referred 85 C.L.R. 545.
- Nunawading Shire v. Adult Deaf and Dumb Society of Victoria*, (1921) 29 C.L.R. 98.  
Distinguished 85 C.L.R. 159.
- Oakes v. Commissioner of Stamp Duties*, (1951) 51 S.R. (N.S.W.) 383; 68 W.N. 278.  
Affirmed 85 C.L.R. 386.
- Orr v. Holmes*, (1948) 76 C.L.R. 632.  
Applied 85 C.L.R. 635.
- Queen's College v. Melbourne Corporation*, (1905) V.L.R. 247.  
Not followed. 85 C.L.R. 159.
- Queensland Stations Pty. Ltd. v. Federal Commissioner of Taxation*, (1945) 70 C.L.R. 539.  
Referred 85 C.L.R. 138.
- R. v. Frost*, (1839) 4 St. Tr. (N.S.) 86; 9 Car. & P. 129 [173 E.R. 771].  
Discussed 85 C.L.R. 365.
- Richard Evans & Co. Ltd. v. Astley*, (1911) A.C. 674.  
Referred 85 C.L.R. 352.
- Riddle, In re*, (1951) 68 W.N. (N.S.W.) 201.  
Reversed 85 C.L.R. 202.
- St. Aubyn v. Attorney-General*, (1952) A.C. 15.  
Discussed 85 C.L.R. 386.
- Sheppard v. Ryde Municipal Council*, (1951) 69 W.N. (N.S.W.) 49; 18 L.G.R. 98.  
Reversed 85 C.L.R. 1.
- Stanwell Park Hotel Co. Ltd. v. Leslie*, (1951) 51 S.R. (N.S.W.) 273; 68 W.N. 267.  
Reversed 85 C.L.R. 189.
- State Electricity Commission of Victoria v. Gay*, (1951) V.L.R. 104.  
Discussed 85 C.L.R. 437.
- Strang, In re*, (1941) 41 S.R. (N.S.W.) 114; 58 W.N. 108.  
Disapproved 85 C.L.R. 202.
- Sun Newspapers Ltd. v. Federal Commissioner of Taxation*, (1938) 61 C.L.R. 337.  
Applied 85 C.L.R. 423.
- Taxation, Federal Commissioner of v. J. Walter Thompson (Aust.) Pty. Ltd.*, (1944) 69 C.L.R. 227.  
Referred 85 C.L.R. 138.
- Waterside Workers' Federation of Australia v. Commonwealth Steamship Owners' Association*, (1920) 28 C.L.R. 209.  
Discussed 85 C.L.R. 601.

## STATUTES JUDICIALLY CONSIDERED.

## IMPERIAL.

<b>Constitution, The, s. 51 (i).</b> <i>R. v. Kelly; Ex p. Waterside Workers' Federation of Australia</i> . . . . .	601	— 1946-1950, s. 6 (2). <i>Turner v. York Motors Pty. Ltd.</i> . . . . .	55
— s. 51 (vi). <i>Queensland Newspapers Pty. Ltd. v. McTavish</i> . . . . .	30	<b>Income Tax Assessment Act 1936-1944, s. 51 (1).</b> <i>Federal Commissioner of Taxation v. Midland Railway Co. of Western Australia Ltd.</i> . . . . .	306
— s. 51 (xxxv.). <i>R. v. Foster; Ex p. Commonwealth Life (Amalgamated) Assurances Ltd.</i> . . . . .	138	— 1936-1948, s. 51 (1). <i>Broken Hill Theatres Pty. Ltd. v. Federal Commissioner of Taxation</i> . . . . .	423
— s. 51 (xxxv.). <i>R. v. Kelly; Ex p. Waterside Workers' Federation of Australia</i> . . . . .	601	<b>Judiciary Act 1903-1950, s. 35 (1) (b).</b> <i>Shaw v. The Queen</i> . . . . .	365
— s. 51 (xxxix.). <i>Queensland Newspapers Pty. Ltd. v. McTavish</i> . . . . .	30	<b>National Security Act 1939-1946, s. 19.</b> <i>Queensland Newspapers Pty. Ltd. v. McTavish</i> . . . . .	30
— s. 74. <i>Nelungaloo Pty. Ltd. v. Commonwealth</i> . . . . .	545	<b>Stevedoring Industry Act 1947.</b> <i>R. v. Kelly; Ex p. Waterside Workers' Federation of Australia</i> . . . . .	601
— s. 75 (v.). <i>R. v. Kelly; Ex p. Waterside Workers' Federation of Australia</i> . . . . .	601	— 1948. <i>R. v. Kelly; Ex p. Waterside Workers' Federation of Australia</i> . . . . .	601
— s. 92. <i>R. v. Wilkinson; Ex p. Brazell, Garlick and Coy</i> . . . . .	467	— 1949. <i>R. v. Kelly; Ex p. Waterside Workers' Federation of Australia</i> . . . . .	601
— s. 92. <i>Wilcox Mofflin Ltd. v. State of New South Wales</i> . . . . .	488		

## COMMONWEALTH.

<b>Bankruptcy Act 1924-1950, ss. 90, 91, 95, 96A.</b> <i>Richardson v. Commercial Banking Co. of Sydney Ltd.</i> . . . . .	110	<b>Conveyancing Act 1919-1943, s. 127 (1).</b> <i>Turner v. York Motors Pty. Ltd.</i> . . . . .	55
<b>Conciliation and Arbitration Act 1904-1951, s. 4.</b> <i>R. v. Foster; Ex p. Commonwealth Life (Amalgamated) Assurances Ltd.</i> . . . . .	138	<b>Crown Employees Appeal Board Act 1944.</b> <i>Attorney-General for New South Wales v. Perpetual Trustee Co. (Ltd.)</i> . . . . .	237
— 1904-1951, s. 29. <i>R. v. Kelly; Ex p. Waterside Workers' Federation of Australia</i> . . . . .	601	<b>Government Railways Act 1912-1943, ss. 100B, 100C, 100D.</b> <i>Commissioner for Railways (N.S.W.) v. London</i> . . . . .	95
— 1904-1951, ss. 32 (2), 39 (b). <i>R. v. Foster; Ex p. Commonwealth Life (Amalgamated) Assurances Ltd.</i> . . . . .	138	<b>Hide and Leather Industries Act 1948-1949, ss. 6, 7, 8, 9.</b> <i>Wilcox Mofflin Ltd. v. State of New South Wales</i> . . . . .	488
— 1904-1951, ss. 48, 49. <i>R. v. Kelly; Ex p. Waterside Workers' Federation of Australia</i> . . . . .	601	<b>Industrial Arbitration Act 1940-1951.</b> <i>Attorney-General for New South Wales v. Perpetual Trustee Co. (Ltd.)</i> . . . . .	237
<b>Defence (Transitional Provisions) Act 1946-1949, s. 6 (1).</b> <i>Queensland Newspapers Pty. Ltd. v. McTavish</i> . . . . .	30	<b>Landlord and Tenant (Amendment) Act 1948-1949, ss. 8, 69.</b> <i>Turner v. York Motors Pty. Ltd.</i> . . . . .	55
		<b>Local Government Act 1919-1951, ss. 4, 344 (1), 347, 348 (1), 496, 518, 518A.</b> <i>Sheppard v. Council of the Municipality of Ryde</i> . . . . .	1

<b>Marketing of Primary Products Act 1927-1940,</b> ss. 3, 3A, 5 (8), 11 (1), (3). <i>R. v. Wilkinson;</i> <i>Ex p. Brazell, Garlick and Coy</i> - 467	<b>Theatres and Public Halls Act 1908-1946,</b> s. 13A (1). <i>Broken Hill Theatres Pty. Ltd.</i> <i>v. Federal Commissioner of Taxation</i> 423
<b>Police Regulation Act 1899-1947, ss. 4, 6, 9,</b> <b>10, 12, 14.</b> <i>Attorney-General for New</i> <i>South Wales v. Perpetual Trustee Co.</i> <i>(Ltd.)</i> - 237	<b>Trustee Act 1925-1942, ss. 14, 81.</b> <i>Riddle v.</i> <i>Riddle</i> - 202
<b>Police Regulation (Superannuation) Act 1906-</b> <b>1944.</b> <i>Attorney-General for New South</i> <i>Wales v. Perpetual Trustee Co. (Ltd.)</i> 237	<b>Workers' Compensation Act 1926-1941, ss. 13,</b> <b>16 (1), (2), (3), 47.</b> <i>Commissioner for</i> <i>Railways (N.S.W.) v. London</i> - 95
<b>Stamp Duties Act 1920-1949, s. 41 (4) (a), (7).</b> <i>Vickery v. Woods</i> - 336	
<b>1920-1949, ss. 102 (2) (d), 124.</b> <i>Oakes v. Commissioner of Stamp Duties</i> <i>of New South Wales</i> - 386	
	<b>VICTORIA.</b>
	<b>Local Government Act 1946, s. 249 (1) (b) (ix).</b> <i>Salvation Army (Victoria) Property Trust</i> <i>v. Shire of Fern Tree Gully</i> - 159

---

## RULES, REGULATIONS AND ORDERS JUDICIALLY CONSIDERED.

---

### COMMONWEALTH.

<b>National Security (War Service Moratorium)</b> <b>Regulations, regs. 28A, 30.</b> <i>Queensland</i> <i>Newspapers Pty. Ltd. v. McTavish</i> - 30	<b>National Security (War Service Moratorium)</b> <b>Regulations, regs. 28A, 30.</b> <i>Turner v.</i> <i>York Motors Pty. Ltd.</i> - 55
---	---

## 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.	
A. G. Healing & Co. Pty. Ltd. v. Harris (1927) - - -	454 (8), 462 (9)
A. W. Walker & Co. v. Inland Revenue Commissioners (1920)	316 (1), 317 (3), 330 (2)
Adams v. Chas. S. Watson Pty. Ltd. (1938) - - -	92 (1)
Adamson v. Melbourne and Metropolitan Board of Works (Adamson's Case) (1929) -	168 (4), 175 (1), 176 (5), 181 (6)
Addar Khan v. Mullins (1920)	147 (8), 152 (6)
Admiralty Commissioners v. S.S. Amerika (Amerika Case) (1917)	243 (3), 257 (5), 259 (3), 261 (2), 269 (3), 273 (4), 276 (2), 280 (1), 292 (5), 293 (1), 294 (1), 295 (2), 302 (2)
Adult Deaf and Dumb Society of Victoria v. Nunawading Shire (1920) - - -	188 (1)
Allan v. Barclay (1864) - - -	285 (2), 286 (6)
Allen v. Redding (1934) - - -	462 (6)
Amad v. Grant (1947) - - -	86 (3), 91 (4)
Amalgamated Engineering Union v. Alderdice Pty. Ltd.; <i>In re</i> Metropolitan Gas Co. (1928) - - -	620 (1)
Amerika Case <i>see</i> Admiralty Commissioners v. S.S. Amerika	
Andrews v. Howell (1941) - - -	594 (1)
Anglo-Newfoundland Development Co. v. Pacific Steam Navigation Co. (Anglo-Newfoundland Co.'s Case) (1924) - - -	464 (5)
Anthony v. Stanton (1943) - - -	90 (4)
Associated Dominions Assurance Society Pty. Ltd. v. Industrial Life Assurance Agents' Union (1950) -	154 (5)
Associated Portland Cement Manufacturers Ltd. v. Inland Revenue Commissioners (Associated Portland Cement Manufacturer's Case) (1946) - - -	429 (5), 430 (1), 431 (3)
Attorney-General v. Dublin United Tramways Co. (1896) Ltd. (Dublin Tramways Case) (1939) -	243 (1), 280 (9), 281 (4), 282 (4)
— v. Sandwich (Earl) (1922) -	400 (6)
— v. Seccombe (1911) -	400 (5), 418 (3)
— v. Valle-Jones (1935) -	242 (4), 252 (5), 259 (1), 260 (1), 280 (7), 302 (7)
— v. Worrall (Worrall's Case) (1895) - - -	399 (1)
— (Canada) v. Jackson (1946) -	271 (1)
— (N.S.W.) v. Perpetual Trustee Co. Ltd. (Milly Milly Case) (1940)	185 (1)
— (Vict.); <i>Ex rel.</i> Dale v. Commonwealth (1945) - - -	574 (1)
Austine v. Retchless (1941) -	152 (5), 154 (3)
Australian Apple and Pear Marketing Board v. Tonking (Tonking's Case) (1942) -	565 (1), 567 (1), 587 (1), 594 (2)
Australian National Airways Pty. Ltd. v. Commonwealth (1946) -	564 (3), 577 (2), 582 (3), 590 (2), 597 (1)
B.	
B. Cordingley, <i>Re</i> (1948) - - -	412 (2)
Bainbridge v. Postmaster-General (1906) - - -	283 (1)
Baker v. Dalgleish Steam Shipping Co. (1922) - - -	291 (9)
Bank of New South Wales v. Commonwealth (1948) - - -	566 (1)
Banks' Case <i>see</i> Commonwealth v. Bank of New South Wales.	
Barham v. Dennis (1630) - - -	296 (1)
Barlow v. Teal (1885) - - -	176 (7)
Barras v. Aberdeen Steam Trawling and Fishing Co. Ltd. (Barras' Case) (1933) - - -	83 (4), 174 (2), 176 (6), 177 (1)
Baume v. Commonwealth (1906) -	250 (1), 283 (9)
Baxter v. Commissioners of Taxation (N.S.W.) (Baxter's Case) (1907) -	571 (1), 572 (4), 591 (1)
Beacon Life and Fire Assurance Co. v. Gibb (1862) - - -	75 (4)
Beattie v. Fine (1925) - - -	93 (1)
Bell v. Nigro (1898) - - -	277 (1)
Bernia, The [No. 2] (1887) - - -	453 (1)
Berringer v. Great Eastern Railway Co. (1879) - - -	266 (5)
Biggs v. Peacock (1882) - - -	412 (1)

- Bird v. John Sharp & Sons Pty. Ltd. (1942) - 626 (2), 627 (3)
- Birmingham and District Land Co. and Allday, *In re* (1893) - 17 (1)
- Bishop v. Howard (1823) - 90 (1)
- Blair's Case *see* Real Estate Institute of New South Wales v. Blair.
- Bland Sutton's Will Trusts, *In re* (1951) - 172 (3)
- Bonython v. Commonwealth (1948) 200 (1)
- Borough of Battersea v. British Iron & Steel Research Association; British Launderers' Research Association v. Borough of Hendon Rating Authority (1949) - 169 (2)
- Leichhardt v. Moran (1904) 162 (4)
- Boulder Perseverance Case *see* Taxation, Commissioner of (W.A.) v. Boulder Perseverance Ltd.
- Boulus v. Broken Hill Theatres Pty. Ltd. (1949) - 426 (1), 427 (1)
- Bowen v. Hall (1881) - 296 (1)
- Boy Andrew v. St. Rognvald (1948) 459 (2)
- Boyd v. Allen (1883) - 412 (3)
- Bradburn v. Great Western Railway Co. (Bradburn's Case) (1874) - 291 (6), 292 (3), 293 (3)
- Bradford Corporation v. Webster (Bradford Corporation Case) (1920) 242 (3), 252 (4), 257 (7), 258 (2), 273 (2), 280 (5), 304 (1), 305 (1)
- Bradshaw v. McEwans Pty. Ltd. (1951) - 358 (1), 362 (4)
- Brennan *Ex p.*; *Re* Garside (1936) 102 (2), 103 (6)
- Bridge v. Grand Junction Railway Co. (1838) - 452 (2), 454 (1)
- Brigginshaw v. Brigginshaw (1938) - 363 (1)
- Brilliant v. Michaels (1945) - 80 (3)
- British Columbia Electric Railway Co. Ltd. v. Loach (Loach's Case) (1916) 450 (2), 457 (1), 458 (1), 459 (1)
- British Insulated and Helsby Cables Ltd. v. Atherton (British Insulated Cables Case) (1926) 429 (3), 433 (1), 434 (3)
- British Sugar Manufacturers, Ltd. v. Harris (British Sugar Manufacturers Case) (1938) - 317 (1), 330 (1), 334 (3), 335 (1)
- Buckley's Trusts, *In re* (1883) - 410 (2)
- Builders' Labourers' Case *see* R. v. Commonwealth Court of Conciliation and Arbitration; *Ex p.* Jones; and Jones v. Commonwealth Court of Conciliation and Arbitration.
- Burnham v. Carroll Musgrove Theatres Ltd. (Burnham's Case) (1927) - 71 (1)
- \_\_\_\_\_ v. \_\_\_\_\_ (1928) 71 (3), 82 (1), 86 (1), 88 (1)
- Butterfield v. Forrester (1809) - 454 (2)
- Bywell Castle, The (1879) - 450 (3)
- C.
- Carter v. Hyde (1923) - 29 (2)
- Caulfield v. Farr (1873) - 81 (10)
- Chesterman v. Federal Commissioner of Taxation (Chesterman's Case) (1923) - 181 (1), 183 (7)
- \_\_\_\_\_ v. \_\_\_\_\_ (1926) 168 (3), 174 (5), 176 (4), 181 (3), 182 (1), 183 (8)
- Citizens' Life Assurance Co. Ltd. v. Brown (1904) - 148 (3)
- Clark v. Commissioner for Railways (Clark's Case) (1936) - 99 (1), 100 (1), 103 (7), 106 (1), 109 (1)
- Clements and Marshall Pty. Ltd. v. Field Peas Marketing Board (Tas.) (1947) - 483 (1), 484 (1)
- Cochrane, *In re* (1905) - 406 (4)
- Coffill's Settled Estate, *In re* (1920) 225 (2)
- Cofield v. Waterloo Case Co. Ltd. (1924) - 362 (2)
- Coggan v. Warwicker (1852) - 80 (6), 81 (1), 90 (8)
- Collins v. Hunter *see* R. v. Foster; *Ex p.* Rural Bank of New South Wales; Wagner v. Gall; Collins v. Hunter.
- \_\_\_\_\_ v. Joseph Adamson & Co. (Collins' Case) (1938) 429 (4), 431 (7)
- Colonial Sugar Refining Co. Ltd. v. Attorney-General for the Commonwealth (1912) - 590 (4)
- Commonwealth v. Bank of New South Wales (Banks' Case) (1949) 485 (2), 497 (1), 531 (2), 533 (1), 534 (1), 536 (1), 537 (1), 539 (2), 567 (2), 570 (2), 572 (1), 581 (2), 588 (2), 589 (2), 593 (1), 595 (1)
- \_\_\_\_\_ v. Quince (Quince's Case) (1943) - 274 (1), 275 (2)
- \_\_\_\_\_ v. \_\_\_\_\_ (1944) 243 (5), 244 (5), 250 (3), 253 (2), 255 (1), 256 (1), 259 (2), 260 (2), 261 (1), 262 (1), 266 (1), 267 (1), 268 (1), 270 (1), 271 (2), 272 (1), 273 (5), 274 (1), 275 (1), 276 (6), 278 (4), 279 (1), 280 (2), 284 (4), 286 (5), 287 (2), 290 (3), 302 (8)
- \_\_\_\_\_ v. Welsh (1947) - 269 (5)
- Commonwealth Steamship Owners' Association v. Waterside Workers' Federation of Australia (1946) - 625 (1)
- Considine v. McInerney (1916) - 101 (4)
- Craven's Estate, *In re*; Lloyds Bank Ltd. v. Cockburn (No. 2) (1937) - 220 (1)
- Currin v. Wallace (1939) - 477 (1)
- D.
- Davies v. Littlejohn (1923) - 276 (7)
- \_\_\_\_\_ v. Mann (1842) - 454 (4), 455 (5), 461 (1), 465 (1)
- \_\_\_\_\_ v. Swan Motor Co. (1949) - 459 (3)
- Dawes v. Dowling (1874) 80 (7), 81 (2)

- Deakin v. Webb (1904) - - - 590 (5)  
 De Francesco v. Barnum (1890) - - 296 (7)  
 Degan v. Lee (1939) - - - 219 (2)  
 Delacauw v. Fosbery (1896) - - 303 (4)  
 Dellamana v. Gibbs (1940) - - - 462 (10)  
 Dockrill v. Cavanagh (1944) 74 (2), 88 (3)  
 Doe d. Bingham v. Cartwright (1820) 90 (7)  
 ——— Campbell v. Scott (1830) - - 73 (2)  
 ——— Hollingsworth v. Stennett  
 (1799) - - - - - 80 (8)  
 ——— Moore v. Lawder (1816) - - 81 (3)  
 ——— Rogers v. Pullen (1836) - - 81 (4)  
 ——— Thomson v. Amey (1840) - - 66 (2)  
 Donoghue v. Stevenson (1932) - - 295 (4)  
 Dowell v. General Steam Navigation  
 Co. (1855) - - - - - 454 (5)  
 Dried Fruit Cases see James v.  
 Commonwealth, James v. Cowan,  
 James v. South Australia.  
 Dublin Tramways Case see Attorney-  
 General v. Dublin United Tram-  
 ways Co. (1896) Ltd.  
 Dunn v. The Queen (1896) - - - 301 (2)
- E.
- Eather, *In re* v. The King (1915)  
 38<sup>1</sup> (1), 382 (2)  
 ——— v. The King (1914) - - - 382 (1)  
 Eccles v. Bryant and Pollock (1948) 80 (4)  
 Edwards v. Edwards (1837) - - - 413 (4)  
 Enever v. The King (1906) 252 (2), 258 (5),  
 265 (1), 273 (1), 278 (2), 280 (6),  
 282 (3), 283 (8), 303 (2), 305 (3)  
 Erskine v. Adeane (1873) - - - 14 (1)  
 Evans v. Walton (1867) 245 (2), 257 (4),  
 266 (4), 296 (5), 297 (2)
- F.
- Farmer v. Scottish North American  
 Trust Ltd. (1912) - - - 314 (3)  
 Federated Clerks Union of Australia  
 v. Industrial Life Assurance  
 Agents Association (1942) - - 154 (4)  
 Fenner v. Blake (1900) - - - 91 (1)  
 Fenton v. Batten (1948) - - - 46 (1)  
 Feoffees of Heriot's Hospital v.  
 Gibson (1814) - - - 14 (4), 15 (1)  
 Field v. Nott (1939) 250 (5), 265 (2), 284 (2)  
 Field Peas Marketing Board (Tas.)  
 v. Clements and Marshall Pty. Ltd.  
 (1948) - 486 (2), 516 (2), 536 (3), 540 (2)  
 Finlay v. Bristol and Exeter Railway  
 Co. (1852) - - - 66 (4), 81 (6)  
 Fish, *In re*; Bennett v. Bennett  
 (1893) - - - - - 419 (1)  
 Fisher v. Oldham Corporation (Old-  
 ham Corporation Case) (1930) - 258 (3),  
 261 (3), 265 (4), 280 (3),  
 282 (1), 304 (2), 305 (2)  
 Flannery v. Waterford & Limerick  
 Railway Co. (1877) - - - 362 (3)  
 Flemington v. Smithers (1826) - - 290 (1)
- Fletcher v. Nott (1937) - - - 278 (1)  
 ——— v. ——— (1938) - - - 303 (1)  
 Flint v. Webb (1907) - - - 590 (1)  
 Foster's Case see R. v. Foster; *Exp.*  
 Rural Bank of New South Wales;  
 Wagner v. Gall; Collins v. Hunter.  
 Fowles v. Eastern and Australian  
 Steamship Co. Ltd. (1916) 265 (3), 301 (1)  
 Fraser Henleins Pty. Ltd. v. Cody  
 (1945) - - - - - 537 (2)
- G.
- G. Scammell and Nephew Ltd. v.  
 Ouston (1941) - - - 29 (1)  
 Gaskin Bros. v. McGowan (1941) - 152 (3)  
 Gay's Case see State Electricity Com-  
 mission of Victoria v. Gay.  
 Grace Bros. Pty. Ltd. v. Common-  
 wealth (1946) - - - 568 (2)  
 ——— v. ——— (1951) 567 (4), 570 (4),  
 586 (3), 595 (3)  
 Grain Elevators Board (Vict.) v.  
 Dunmunkle Corporation (1946) - 249 (3)  
 Grant v. Secretary of State for India  
 (1877) - - - - - 302 (5)  
 ——— v. Sun Shipping Co. Ltd.  
 (1948) - - - - - 459 (4)  
 Greenwood v. Percy (1859) - - - 411 (4)  
 Grey (Earl) v. Attorney-General  
 (1900) - - - - - 406 (6)  
 Grinnell v. Wells (1844) - - - 257 (1),  
 269 (6), 296 (2)  
 Grosplik v. Grant (No. 2) (1947) - 473 (2)
- H.
- Haberfield Pty. Ltd., *Exp.* (1907) - 151 (1),  
 152 (1)  
 Hall v. Hollander (1825) 257 (2), 290 (4),  
 296 (3)  
 Hall's Case see Stamp Duties,  
 (N.S.W.), Commissioner of v.  
 Perpetual Trustee Co. Ltd.  
 Hallstrom's Pty. Ltd. v. Federal  
 Commissioner of Taxation (Hall-  
 stroms' Case) (1946) 431 (5), 434 (2),  
 436 (1)  
 Hammerton v. Stead (1824) - - - 65 (1)  
 Hartley v. Walsh (1937) - - - 535 (1)  
 Hay or Bourhill v. Young (1943) - 287 (1)  
 Hirst v. Horn (1840) - - - 73 (3)  
 Hobart Savings Bank v. Federal  
 Commissioner of Taxation (1930) 183 (4)  
 Hodges v. Jones (1935) - - - 16 (2)  
 Hodsoll v. Stallibrass (1840) - - 290 (2)  
 Horne v. Coleman (1929) - - - 278 (3)  
 Hotchkys, *In re*; Freke v. Calmady  
 (1886) - - - - - 412 (4)  
 Howard v. Patent Ivory Manufac-  
 turing Co. (Howard's Case) (1888) 349 (1)  
 Howe v. Lord Dartmouth (1802) - 217 (1)  
 Huddart Parker Ltd. v. Stevedoring  
 Industry Commission (1946) - - 626 (1)



- Hurry v. Hurry (1870) - - - 411 (5)  
 Hyett v. Lennard (1940) - - - 314 (1)
- I.
- Ilford Corporation v. Mallinson (1932) - - - 84 (3)  
 Income Tax, Commissioners for Special Purposes of, v. Pemsel (Pemsel's Case) (1891) 173 (5), 176 (1), 181 (5), 182 (4), 184 (1)
- J.
- J. T. C. Mayne, *Re* (1928) - - - 223 (1)  
 Jackson v. Magrath (1947) - - - 284 (3)  
 James v. Commonwealth (1936) - 484 (3), 516 (5), 517 (1), 539 (3)  
 ——— v. Cowan (1932) - 484 (2), 486 (1), 516 (4), 517 (1), 529 (2), 530 (2), 531 (1), 538 (2), 539 (5), 544 (2)  
 ——— v. South Australia (1927) - 516 (3), 517 (1), 529 (1), 530 (1), 538 (1), 544 (1)
- James' Cases (James v. Commonwealth, James v. Cowan, James v. South Australia) (1936), (1932) (1927) - - - 517 (1)  
 Jameson v. Kinnell Bay Land Co. Ltd. (1931) - - - 13 (1), 14 (2)  
 Jodrell v. Jodrell (1851) - - - 410 (1)  
 Johnson Fear & Kingham and the Offset Printing Co. Pty. Ltd. v. Commonwealth (1943) - - - 569 (1)  
 Jones v. Commonwealth Court of Conciliation and Arbitration (Builders' Labourers' Case) (1917) 564 (1), 575 (3), 576 (1), 582 (1), 598 (1)  
 ——— v. Shears (1836) - - - 66 (5)  
 Jonsco v. Beard (1930) - - - 645 (1)  
 Joseph v. Swallow & Ariell Ltd. (1933) - - - 462 (4)  
 Judiciary and Navigation Acts, *In re* (1921) - - - 155 (1)
- K.
- Kelly v. Municipal Council of Sydney (Kelly's Case) (1920) - - - 180 (3), 183 (6)  
 Kelner v. Baxter (1866) - - - 348 (2)  
 Kirkwood v. Commissioner for Road Transport and Tramways (Kirkwood's Case) (1936) - - - 103 (5)  
 Knight v. Williams (1901) - - - 91 (2)
- L.
- Lake Victoria Ltd. v. Commissioner of Stamp Duties (1949) 343 (1), 347 (1)  
 Larke Hoskins & Co. Ltd. v. Icher (1929) - - - 88 (2)  
 La Société Anonyme de Remorquage à Hélice v. Bennetts (1911) - - 276 (1)
- Last v. London Assurance Corporation (1885) - - - 334 (2)  
 Leahy's Case *see* Railways, Commissioner of v. Leahy.  
 Learoyd v. Whitely (1887) - - - 232 (2)  
 Lemon v. Lardeur (1946) - - - 86 (2), 91 (3)  
 Life Assurance Canvassers' Submission, *Re* (1916) - - - 154 (1)  
 Little v. Commonwealth (1947) - - 252 (3)  
 Loach's Case *see* British Columbia Electric Railway Co. Ltd. v. Loach.  
 Lory v. Great Western Railway Co. (Lory's Case) (1942) - - - 291 (7)  
 Lumley v. Gye (1853) - - - 245 (1), 247 (2), 287 (3), 296 (6), 297 (3)
- M.
- McArthur v. The King (McArthur's Case) (1943) - - - 271 (3)  
 McDermott v. Owners of S.S. Tintoretto (1911) - - - 101 (1)  
 Mackenzie v. Childers (1889) - - - 17 (2)  
 M'Mahon v. David Lawson Ltd. (1944) - - - 268 (4)  
 McNamara v. Quinn (1947) 75 (2), 83 (1)  
 Mankin v. Scala Theodrome Co. Ltd. (Mankin's Case) (1947) 266 (6), 286 (2), 295 (3)  
 Martinez v. Gerber (1841) 257 (3), 288 (2), 295 (1), 297 (1)  
 Maslen v. Laffer (1950) - - - 552 (11)  
 Matthews v. Chicory Marketing Board (Vict.) (1938) 482 (1), 485 (1), 518 (1), 532 (1), 536 (2)  
 Mayfair Property Co. v. Johnston (1894) - - - 411 (3)  
 Mayne, *Re* (1947) - - - 75 (3), 83 (2)  
 Melbourne Corporation v. Barry (1922) - - - 183 (1)  
 Mersey Docks and Harbour Board v. Coggins and Griffith (Liverpool) Ltd. (1947) - - - 300 (2)  
 Metal Trades Employers Association v. Amalgamated Engineering Union (1935) - - - 143 (1)  
 Metropolitan Police District, Receiver for v. Tatum (Tatum's Case) (1948) - - - 273 (3), 280 (12), 281 (5), 305 (5)  
 Metropolitan Water Board v. Paine (1907) - - - 84 (1)  
 Mexican and South American Co., *In re* (1859) - - - 627 (1)  
 Mills v. Mills (1938) - - - 531 (4)  
 Milly Milly Case *see* Attorney-General for N.S.W. v. Perpetual Trustee Co. Ltd.  
 Mines, Case of (1613) - - - 247 (1)  
 Mirams, *In re* (1891) - - - 258 (1)  
 Moore v. Dimond (1929) 66 (1), 68 (1), 74 (1), 81 (8), 90 (3)  
 Morice v. Bishop of Durham (1805) - 173 (6)

- Morrison, *In re*; Morrison v. Morrison (1901) - - - - - 235 (1)
- Mount Edgecumbe (Earl of), *In re* (1950) - - - - - 225 (1)
- Municipal and General Securities Co. Ltd. v. Lloyd's Bank Ltd. (1950) - - - - - 222 (1)
- Municipal Council of Sydney v. Salvation Army (N.S.W. Property Trust) (1931) - - - - - 173 (2)
- Municipal Tramways Trust v. Buckley (1912) 454 (9), 461 (6), 462 (7)
- Munro v. Commissioner of Stamp Duties (Munro's Case) (1934) 400 (1), 406 (1), 407 (2), 414 (1), 418 (1)
- Musgrave v. Commonwealth (1937) 250 (2)
- N.
- Natal Land and Colonization Co. Ltd. v. Pauline Colliery and Development Syndicate Ltd. (Natal Land and Colonization Co. Ltd.'s Case) (1904) 345 (1), 348 (4), 349 (2)
- Neill v. Beadle (1913) - - - - - 66 (6)
- Nelson, *Ex p.* [No. 2] (1929) - - - - - 564 (2), 575 (4), 577 (1), 582 (2)
- Nelungaloo Pty. Ltd. v. Commonwealth (Nelungaloo Case) (1948) 560 (1), 567 (5), 568 (1), 579 (1), 581 (1), 586 (1), 587 (2), 592 (1), 600 (1)
- v. — (1951) 560 (2), 567 (3), 570 (1), 572 (2), 575 (1), 576 (2), 583 (1), 586 (2), 588 (1), 589 (1), 595 (2)
- New, *Re* (1901) 228 (1), 229 (1), 235 (2)
- North British Rly. Co. v. Budhill Coal & Sandstone Co. (1910) - 176 (8)
- North Sydney Investment and Tramway Co. Ltd. v. Higgins (1899) - - - - - 348 (3)
- Northumberland Avenue Hotel Co., *In re* (1886) - - - - - 349 (4)
- Nunawading Shire v. Adult Deaf and Dumb Society of Victoria (Nunawading Case) (1921) 167 (1), 168 (2), 169 (3), 170 (1), 171 (1), 172 (5), 173 (3), 178 (1), 179 (1), 183 (9), 187 (1), 188 (2)
- O.
- Oakes v. Commissioner of Stamp Duties (1951) - - - - - 402 (1)
- Oldham Corporation Case *see* Fisher v. Oldham Corporation.
- Orr v. Holmes (1948) - - - - - 642 (1), 643 (1)
- P.
- P. J. Magennis Pty. Ltd. v. Commonwealth (1949) - - - - - 515 (1)
- Parker v. Dowling (1916) - - - - - 410 (3)
- Parker v. Gerrard (1745) - - - - - 411 (2)
- Payne v. Railway Executive (1951) 291 (8)
- v. — (1952) 292 (2), 293 (4)
- Peanut Board v. Rockampton Harbour Board (Peanut Case) (1933) 516 (1), 538 (3), 539 (1), 540 (1), 542 (1)
- Pearse's Case *see* Stamp Duties (N.S.W.), Commissioner of v. Pearse.
- Pemsel's Case *see* Income Tax, Commissioners for Special Purposes of v. Pemsel.
- Perpetual Executors and Trustees Association of Australia Ltd. v. Federal Commissioner of Taxation (Thomas's Case) (1949) - - - - - 266 (2)
- Perpetual Trustee Case *see* Stamp Duties (N.S.W.), Commissioner of v. Perpetual Trustee Co. Ltd.
- Perpetual Trustee Co. Ltd. v. Kelly (1928) - - - - - 223 (1)
- Pirrie v. McFarlane (1925) 572 (3), 576 (3)
- Platz v. Osborne (1943) - - - - - 83 (6)
- Pratt's Will Trusts, *In re*; Barrow v. McCarthy (1943) - - - - - 219 (1), 222 (2)
- Purvis v. Traill (1849) - - - - - 169 (1)
- Q.
- Quartermaine v. McCleery (1947) - 73 (1), 91 (7)
- Queen's Club Gardens Estates Ltd. v. Bignell (1924) - - - - - 91 (8)
- Queen's College v. Melbourne Corporation (Queen's College Case) (1905) 163 (3), 168 (1), 174 (1), 176 (2), 177 (3), 180 (1), 182 (3), 183 (3)
- Queensland Newspapers Pty. Ltd. v. McTavish (1951) - - - - - 76 (1), 84 (5)
- Queensland Stations Pty. Ltd. v. Federal Commissioner of Taxation (1945) - - - - - 152 (8), 284 (5)
- Quince's Case *see* Commonwealth v. Quince.
- Quinn v. Leatham (1901) - - - - - 296 (9)
- R.
- R. v. Blakeley; *Ex p.* Association of Architects, Engineers, Surveyors and Draughtsmen of Australia (1950) - - - - - 158 (1)
- v. Collins (1907) 369 (1), 379 (2), 383 (3)
- v. Commonwealth Court of Conciliation and Arbitration; *Ex p.* Brisbane Tramways Co. Ltd.; *Ex p.* Municipal Tramways Trust, Adelaide [No. 1] (Tramways Case) (1914) - - - - - 146 (1)
- v. —; *Ex p.* Ozone Theatres (Aust.) Ltd. (1949) - - - - - 144 (3)
- v. — (Builders' Labourers' Case) (1914) - - - - - 547 (3), 576 (4)
- v. Crippen (1911) - - - - - 379 (10)

- R. v. Day (1940) - - - - - 379 (9)  
 — v. Foster; *Ex p.* Rural Bank of  
 New South Wales; Wagner v.  
 Gall; Collins v. Hunter (1949) - 42 (1),  
 47 (1), 48 (2), 50 (1), 51 (1),  
 52 (2), 53 (1), 84 (4)  
 — v. Frost (1839) - - - - - 378 (1), 379 (1),  
 380 (1), 383 (1)  
 — v. Harris (1927) - - - - - 379 (6)  
 — v. Liddle (1928) - - - - - 379 (7)  
 — v. McMahon (1933) - - - - - 379 (8)  
 — v. Richardson (and Adams)  
 (Richardson's Case) (1948) - - 243 (2),  
 270 (2), 271 (5), 280 (11), 281 (3)  
 — v. Smith (1837) - - - - - 291 (4)  
 — v. Stimpson (1826) - - - - - 379 (5)  
 — v. Sullivan (1923) - - - - - 379 (11)  
 Radley v. London & North-Western  
 Railway Co. (Radley's Case) (1876) 452 (4),  
 455 (4), 456 (1), 459 (8), 460 (2),  
 461 (3), 462 (3), 463 (2), 465 (2)  
 Railways, Commissioner of v. Leahy  
 (Leahy's Case) (1904) 454 (6), 457 (2),  
 464 (2)  
 — v. Sandry (1936) - - - - - 103 (3)  
 Raphael's Case *see* S.S. Raphael,  
 Owners of v. Brandy.  
 Reading v. Attorney-General (1951) 265 (5),  
 302 (3)  
 Real Estate Institute of New South  
 Wales v. Blair (Blair's case)  
 (1946) - - - - - 48 (1), 52 (1)  
 Reavis v. Clan Line Steamers Ltd.  
 (1925) - - - - - 286 (3)  
 Richard Evans & Co. Ltd. v. Astley  
 (1911) - - - - - 358 (2), 362 (1)  
 Richardson v. Langridge (1811) - 90 (2)  
 Richardson's Case *see* R. v. Richard-  
 son (and Adams).  
 Rist v. Faux (1863) - - - - - 285 (1)  
 Road Transport and Tramways,  
 Commissioner for v. Prerauer  
 (1950) - - - - - 466 (1)  
 Robert Mary's Case (1612) - - - 266 (7)  
 Robinson Brothers (Brewers) Ltd.  
 v. County of Durham Assessment  
 Committee (1938) - - - - - 174 (3)  
 Ronpibon Tin (N.L.) v. Federal Com-  
 missioner of Taxation (1949) - 429 (1)  
 Royal Australasian College of Sur-  
 geons v. Federal Commissioner of  
 Taxation (1943) - - - - - 161 (3), 172 (1)  
 Royal Choral Society v. Commis-  
 sioners of Inland Revenue (Royal  
 Choral Society Case) (1943) 172 (4), 173 (1)  
 Royal Court Derby Porcelain Co.  
 Ltd. v. Russell (1949) 83 (5), 174 (4)  
 Rural Bank of New South Wales v.  
 Hayes (1951) - - - - - 249 (2)  
 Ryder v. Foley (1906) - - - - - 303 (3)  
 S.  
 S. Richards & Co. Ltd. v. Lloyd  
 (1933) - - - - - 129 (1)  
 St. Aubyn v. Attorney-General (St.  
 Aubyn's Case) (1952) 398 (4), 399 (2),  
 400 (3), 406 (3), 407 (3),  
 413 (3), 418 (2)  
 Salomon v. A. Salomon & Co. Ltd.  
 (1897) - - - - - 533 (2)  
 Sandry v. Commissioner for Railways  
 (Sandry's Case) (1935) - - - 103 (2)  
 Scarman v. Castell (1795) - - - 291 (2)  
 Scott v. Scott (1863) - - - - - 642 (2)  
 Sellan v. Norman (1829) - - - - 291 (1)  
 Shaw Saville & Albion Ltd. v. Com-  
 monwealth (1940) - - - - - 252 (1), 283 (5)  
 Short v. J. & W. Henderson Ltd.  
 (1946) - - - - - 297 (4)  
 Sidebotham v. Holland (1895) 73 (4), 91 (6)  
 Simkin v. Ashurst (1834) - - - 81 (9)  
 Simms v. Lee (1945) - - - - - 75 (1), 83 (3)  
 Smaill v. Alexander (1904) - - - 291 (5)  
 Smith v. British European Airways  
 Corporation (1951) - - - - - 292 (1)  
 — v. Widlake (1877) - - - - - 81 (7)  
 Southern v. Borax Consolidated Ltd.  
 (1941) - - - - - 434 (5)  
 Southport Corporation v. Corpora-  
 tion of the Trustees of the Order  
 of the Sisters of Mercy in Queens-  
 land (1935) - 161 (4), 162 (9), 171 (2)  
 Southwell v. Savill Bros. Ltd. (1901) 431 (1),  
 435 (1)  
 Spottiswoode, Ballantyne & Co.  
 Ltd. v. Doreen Appliances Ltd.  
 (1942) - - - - - 80 (2), 89 (1)  
 Squire v. Campbell (1836) - - - 15 (2)  
 S.S. Raphael, Owners of v. Brandy  
 (Raphael's Case) (The Raphael  
 Case) (1911) - - - - - 266 (3), 268 (3),  
 269 (1), 271 (4), 302 (6)  
 Stamp Duties (N.S.W.), Commis-  
 sioner of v. Pearse (Pearse's Case)  
 (1951) - - - - - 412 (5), 413 (3)  
 — v. Perpetual Trustee Co.  
 Ltd. (Hall's Case) (Perpetual  
 Trustee Case) (1943) 398 (2), 400 (2),  
 406 (2), 407 (1), 414 (2), 417 (1)  
 — v. Way (1951) - - - - - 398 (3), 413 (2)  
 Stanbury v. Exeter Corporation  
 (1905) - - - - - 280 (4)  
 Standard Oil Case *see* United States  
 v. Standard Oil Co. of California.  
 State Electricity Commission of  
 Victoria v. Gay (Gay's Case) (1951)  
 450 (1), 451 (1), 452 (1), 459 (6),  
 462 (1), 463 (3), 464 (3)  
 Strang, *In re* (1941) - - - - - 213 (2), 214 (1),  
 218 (1), 220 (2), 221 (1),  
 226 (1), 229 (2), 234 (1)  
 Summergreene v. Parker (Summer-  
 greene's Case) (1950) - - - 80 (5), 89 (2),  
 340 (4), 347 (2), 348 (1)  
 Summers v. Roberts (1944) - - - 84 (2)

- Sun Newspapers Ltd. *v.* Federal Commissioner of Taxation (Sun Newspapers Case) (1938) 313 (2), 429 (6), 430 (3), 431 (2), 433 (2), 434 (1)
- Surtees *v.* Ellison (1829) - 626 (3)
- Swinburne *v.* Federal Commissioner of Taxation (Swinburne's Case) (1920) 180 (2), 181 (2), 182 (2), 183 (5)
- Symons *v.* Stacey (1922) 454 (7), 461 (7), 462 (8)
- T.
- Tatum's Case *see* Metropolitan Police District, Receiver for *v.* Tatum.
- Taxation, Commissioner of (W.A.) *v.* Boulder Perseverance Ltd. (Boulder Perseverance Case) (1937) 317 (4), 330 (3), 334 (1)
- \_\_\_\_\_ Federal Commissioner of *v.* Green (1950) - 429 (2)
- \_\_\_\_\_ *v.* J. Walter Thompson (Aust.) Pty. Ltd. (1944) 152 (7), 299 (3)
- Taylor *v.* Grange (1880) - 411 (6)
- \_\_\_\_\_ *v.* Neri (1795) - 299 (1)
- Tennant Plays, Ltd. *v.* Inland Revenue Commissioners (1948) - 172 (2)
- Thetford, Mayor &c. of *v.* Tyler (1845) - 81 (5)
- Thiel *v.* Mutual Life & Citizens' Assurance Co. Ltd.; *Ex p.* Thiel (1919) - 152 (4), 154 (2)
- Thomas, *In re*; Thomas *v.* Thompson (1930) - 224 (1)
- Thomas's Case *see* Perpetual Executors and Trustees Association of Australia Ltd. *v.* Federal Commissioner of Taxation.
- Thompson *v.* Armstrong & Royse Pty. Ltd. (1950) 101 (2), 102 (1), 103 (1)
- Tindall *v.* Castle (1893) - 16 (4)
- Titheradge *v.* The King (1917) - 379 (3)
- Tobin *v.* The Queen (1863) 250 (4), 251 (1)
- \_\_\_\_\_ *v.* \_\_\_\_\_ (1864) 283 (2), 288 (1)
- Tollemache, *In re* (1903) 228 (2), 235 (3)
- Tonking's Case *see* Australian Apple and Pear Marketing Board *v.* Tonking.
- Tramways Case *see* R. *v.* Commonwealth Court of Conciliation and Arbitration; *Ex p.* Brisbane Tramways Co. Ltd.; *Ex p.* Municipal Tramways Trust, Adelaide [No. 1].
- Tuff *v.* Warman (1858) - 451 (2), 452 (3), 455 (3), 459 (7), 460 (1), 461 (2), 462 (2), 463 (1)
- U.
- Unemployment Insurance Act (1920) *In re* (1922) - 299 (2)
- United Collieries Ltd. *v.* Inland Revenue Commissioners (1930) - 313 (1)
- United States *v.* Standard Oil Co. of California (Standard Oil Case) (1947) 253 (1), 280 (10), 281 (1), 286 (1), 302 (1)
- V.
- Vanderplank *v.* Miller (1828) 454 (3), 455 (2)
- Victorian Railway Commissioners *v.* Herbert (1949) - 249 (1)
- Volute Case (Commissioners for Executing Office of Lord High Admiral of the United Kingdom *v.* S.S. Volute) (1922) - 464 (4)
- Von Hatzfeldt-Wildenburg *v.* Alexander (1912) - 80 (1)
- W.
- W. & A. McArthur Ltd. *v.* Queensland (1920) - 471 (1), 574 (2)
- Warner *v.* Baynes (1750) - 411 (1)
- Waterside Workers' Federation of Australia *v.* Commonwealth Steamship Owners' Association (1920) - 628 (1)
- Watson *v.* Winch (1916) - 627 (2)
- Watts *v.* Manchester Corporation (1917) - 101 (5)
- Way *v.* Commissioner of Stamp Duties (N.S.W.) (1949) - 413 (1)
- Wennall *v.* Adney (1802) - 291 (3)
- Wheare *v.* Clarke (1937) 458 (2), 460 (3), 464 (1)
- Whitehouse *v.* Hugh (1906) - 15 (4), 16 (1)
- Whitely, *In re*; Whiteley *v.* Learoyd (1886) - 232 (1)
- Wilds *v.* Amalgamated Anthracite Collieries Ltd. (1947) - 244 (3)
- Williams *v.* Commissioner for Road Transport and Tramways (N.S.W.) (1933) 461 (5), 462 (5)
- \_\_\_\_\_ *v.* Glasbrook Brothers, Ltd. (1947) - 244 (2)
- \_\_\_\_\_ *v.* Holland (1833) - 246 (1)
- Willshire *v.* Dalton (1948) 90 (5), 91 (5)
- Wilson *v.* Brett (1843) - 455 (1)
- Wishart *v.* Fraser (1941) 473 (3), 484 (5)
- Worrall's Case *see* Attorney-General *v.* Worrall.
- Wright *v.* Cedzich (1930) - 276 (3)
- Y.
- Yellow Cabs of Australia Ltd. *v.* Colgan (1930) - 147 (9), 152 (2)
- Yewens *v.* Noakes (1880) - 300 (1)
- Young *v.* Bristol Aeroplane Co. Ltd. (1944) - 244 (1)
- Z.
- Zachariassen *v.* Commonwealth (1917) - 284 (1)

## CORRIGENDA.

---

Page 138—In fourth line from foot of page, for “ was not in fact ” read  
“ was in fact ”.

Page 155—In line 21, for “ is not in fact ” read “ is in fact ”.

Page 237—In line 2 of catchwords, for “ Number of police ” read “ Member  
of police ”.