

Solicitor, for appellant, *J. H. McLaughlin*.
 Solicitor, for respondent, *A. G. de L. Arnold*.

H. C. OF A.
 1910.

C. E. W.

McLAUGHLIN
 v.
 DE LAURET.

[HIGH COURT OF AUSTRALIA.]

COCK (PLAINTIFF) } APPELLANTS;
 AND HOWDEN (TRUSTEE OF COCK) . . . }

AND

SMITH AND OTHERS RESPONDENTS.
 DEFENDANTS,

High Court, Jurisdiction of—Cause remitted to Supreme Court of State on appeal to High Court—Accounts and inquiries directed by High Court—Determination of questions arising on taking of accounts.

H. C. OF A.
 1910.

IN CHAMBERS.

On appeal from the Supreme Court of a State the High Court remitted the cause to the Supreme Court with a declaration of rights and an order for accounts and inquiries.

MELBOURNE,
 Sept. 2.

Griffith C.J.

Held, that the High Court had no jurisdiction to determine questions arising on the taking of the accounts by the Chief Clerk of the Supreme Court as to the extent of the accounts and inquiries actually directed.

REFERENCE by the Chief Clerk of the Supreme Court of Victoria to the High Court,

On an appeal by Charles Matthew Germaine Cock and John McAlister Howden, trustee of his assigned estate, to the High Court from a decision of the Supreme Court of Victoria in an action wherein Cock was plaintiff and John Matthew Vincent Smith and others were defendants, the High Court (*inter alia*) made certain declarations and directed all necessary accounts and inquiries for the purposes of such declarations and remitted the

H. C. OF A. cause to the Supreme Court: See *Cock v. Smith* (1). The respondents, the trustees of the estate of Lucy Smith, afterwards, on summons to proceed taken out by the appellants before the Chief Clerk of the Supreme Court, brought in certain accounts as ordered. In the course of the proceedings before the Chief Clerk, the appellants called for certain additional accounts on the view that the judgment of the High Court required the furnishing by the above-mentioned respondents of the particulars sought. The respondents contended that on the true construction of the judgment of the High Court these additional accounts were not directed.

1910.

COCK

v.

SMITH.

The Chief Clerk, being in doubt, referred the matter to *Griffith* C.J., and the appellants thereupon on notice to the respondents brought the matter before *Griffith* C.J.

Hayes, for the appellants, stated the circumstances.

Davis, for the respondent trustees of Smith. The High Court has no jurisdiction to give further directions, the cause having been remitted to the Supreme Court.

GRIFFITH C.J. In my opinion, I have no jurisdiction to make any order on this application. The parties must apply to the Supreme Court to which the cause stands remitted.

No order.

Solicitor, for the appellants, *J. E. Dixon*.

Solicitors, for the respondents, the trustees of the estate of Lucy Smith, *Madden & Butler*.

B. L.