

It is therefore not necessary to consider what would be the result if he had done so. What his intention was when returning to Australia it is not necessary to determine, for he must establish that he had acquired an Australian domicil before going back to China.

The appeal fails.

BARTON J. I am of opinion that the appeal must be dismissed.

ISAACS J. I agree.

*Appeal dismissed.*

Solicitors, for the appellant, *Fink, Best & Hall.*

Solicitor, for the respondent, *C. Powers*, Commonwealth Crown Solicitor.

B. L.

[HIGH COURT OF AUSTRALIA.]

CRESSWELL . . . . . APPELLANT;

AND

INCORPORATED LAW INSTITUTE OF } DEFENDANTS.  
NEW SOUTH WALES . . . . . }

ON APPEAL FROM THE SUPREME COURT OF  
NEW SOUTH WALES.

*Solicitor—Removal of name from roll.*

The Supreme Court of New South Wales having ordered the name of a solicitor to be removed from the roll on the ground of misconduct, the High Court refused special leave to appeal.

H. C. OF A.  
1913.  
LING PACE  
v.  
GLEESON.  
Griffith C.J.

H. C. OF A.  
1912.  
SYDNEY,  
Sept. 12.  
Griffith C.J.,  
Barton and  
O'Connor JJ.

H. C. OF A. MOTION for special leave to appeal.

1912.

CRESSWELL  
v.  
INCORPORATED LAW  
INSTITUTE  
OF NEW  
SOUTH  
WALES.

By an order of the Full Court of New South Wales of 2nd September 1912, it was ordered that the name of Thomas Edgar Cresswell should be removed from the roll of solicitors. Two charges were made against him, the first being that he had received a sum of money amounting to £6 7s. 1d. on behalf of a client and had failed to account for it until after he had been examined in certain bankruptcy proceedings, and the second being that while he was honorary treasurer of a benevolent society, a period extending from 1905 to 1911, he had improperly used the funds of the society. The Court held that both of the charges were proved, and that his conduct had been such as to disentitle him to be held out as a person fit to be entrusted with the duties and responsibilities of a solicitor.

From this order Cresswell now sought for special leave to appeal to the High Court.

*Loxton* K.C. (with him *Markell*), for the applicant. The evidence is consistent with the honesty of the applicant, and the Court should draw the inference of honesty. [He referred to *Southern Law Society v. Westbrook* (1); *In re Taylor* (2)].

GRIFFITH C.J., in delivering the judgment of the Court, said:— This is not a case for special leave. The question is not what order we would have made had the matter come originally before us.

*Special leave to appeal refused.*

Solicitor, *T. E. Cresswell*.

B. L.

(1) 10 C.L.R., 609.

(2) (1912) A.C., 347.