

[HIGH COURT OF AUSTRALIA.]

IN RE HANLON.

ON APPEAL FROM THE SUPREME COURT OF
VICTORIA.

H. C. OF A. *Barrister and solicitor—Admission to practise—Managing clerk—Service under*
1913. *“direction and supervision” of practising barrister and solicitor—Supreme*
*Court Act 1912 (Vict.) (No. 2437), sec. 3.**

MELBOURNE,
Oct. 2, 3.

Barton A.C.J.,
Gavan Duffy and
Powers J.J.

For fifteen months of the period during which an applicant for an order under sec. 3 of the *Supreme Court Act 1912* for admission to practise as a barrister and solicitor alleged that he had been a managing clerk to a practising barrister and solicitor, the latter was ill and absent from his office, and the Supreme Court held that the applicant, during that fifteen months was not under the direction and supervision of the barrister and solicitor, and refused his application for an order under the section.

Held, that the decision should not be disturbed.

Decision of the Supreme Court of Victoria: *In re the Supreme Court Act 1912*, (1913) V.L.R., 408 ; 35 A.L.T., 29, affirmed.

APPEAL from the Supreme Court of Victoria.

An application was made to the Supreme Court of Victoria on behalf of John James Hanlon similar to that in the last preceding case (*In re Ramage* (1)).

The applicant alleged that from June 1893 to May 1909 he was a managing clerk to Mr. Charles Alfred Argyle, a barrister and solicitor practising at Tatura, and that from May 1909 to 31st December 1912 he was a managing clerk first to Mr. Donald Clive Morrison, who bought Mr. Argyle's practice, and later to Mr. Morrison and his partner, Mr. J. B. Sawers, both of whom were barristers and solicitors.

It appeared that for about fifteen months of the period during which the applicant alleged that he was a managing clerk to Mr.

* The material parts of sec. 3 appear in the headnote to *In re Ramage*, ante, p. 55.

(1) *Ante*, p. 55.

Argyle, the latter was ill, and was consequently absent from his office; that the applicant during that fifteen months from time to time communicated by writing with Mr. Argyle in reference to the legal business of the office; and that during the same time in any important or unusual matter of business, and in any case in which he (the applicant) thought it necessary, he wrote to Mr. Argyle for, and by letter received, direction and advice. None of the correspondence was produced at the hearing of the application.

The Supreme Court dismissed the application, holding that during the period of fifteen months the applicant was not acting under the direction and supervision of Mr. Argyle, and consequently had not been a managing clerk continuously for the ten years preceding the passing of the *Supreme Court Act 1912*: *In re the Supreme Court Act 1912* (1).

From this decision the applicant, by special leave, appealed to the High Court.

Dixon, for the appellant.

Starke (with him *Gregory* and *Eager*), for the Law Institute of Victoria.

BARTON A.C.J. This is a case of a different character from *In re Ramage* (2), and the subject of decision in that case does not arise here. There is no similar reason for interposing the judgment of this Court. We think upon all the facts that this Court ought not to interfere, and that the appeal must be dismissed. There will be no costs.

GAVAN DUFFY J. I agree.

POWERS J. I agree.

Appeal dismissed.

Solicitors, for the appellant, *Plante & Henty*.

Solicitor, for the Law Institute of Victoria, *Arthur Robinson*.

B. L.

(1) (1913) V.L.R., 408; 35 A.L.T., 29.

(2) *Ante*, p. 55.