

lease of the Governor's present residence expires, it should be decided that he should once more occupy the house of his predecessors, it does not appear that there has been any disposition or irrevocable change to prevent it.

Their Lordships will humbly advise His Majesty that the appeal should be dismissed, and the appellant will pay the costs.

PRIVY  
COUNCIL.  
1915.

ATTORNEY-  
GENERAL  
FOR NEW  
SOUTH  
WALES  
v.  
WILLIAMS.

[HIGH COURT OF AUSTRALIA.]

MASTER BUTCHERS LIMITED . . . APPELLANTS;  
DEFENDANTS,

AND

G. LAUGHTON & COOMBS LIMITED . RESPONDENTS.  
PLAINTIFFS,

ON APPEAL FROM THE SUPREME COURT OF  
SOUTH AUSTRALIA.

*Public Health—Sale of diseased animals—Knowledge that animals are diseased—* H. C. OF A.  
*Health Act 1898 (S.A.) (61 & 62 Vict. No. 711), secs. 106\*, 109, 111\*.* 1915.

Sec. 109 of the *Health Act 1898 (S.A.)* provides that "no person shall sell, consign, or expose for sale, or supply for food, any diseased animal." MELBOURNE,  
March 25.

\* Sec. 106 of the *Health Act 1898* provides that "all owners, on discovery that their animals are diseased, shall give written notice to the Local Board, and isolate such animals from all other animals. . . . It shall not be a defence to any prosecution under this section that the owner did not know that the animal was diseased unless he shall also show that it was not practicable to discover such disease by the exercise of reasonable diligence."

Sec. 111 provides that no person

shall (*inter alia*) supply to any person the milk of any diseased animal, or allow any person suffering from any infectious disease to milk any cow, and continues: "It shall not be a defence to any prosecution under this section that the owner did not know that the animal was diseased, or that the person was suffering from an infectious disease, unless he shall also show that it was not practicable to discover the fact by the exercise of reasonable diligence."

Griffith C.J.,  
Isaacs,  
Gavan Duffy  
and Rich JJ.



H. C. OF A.  
1915.

MASTER  
BUTCHERS  
LTD.

v.

G. LAUGHTON  
& COOMBS  
LTD.

*Held*, that knowledge that an animal is diseased is necessary to constitute an offence against sec. 109.

Special leave to appeal from the decision of the Supreme Court of South Australia refused.

APPLICATION for special leave to appeal.

An action was brought in the Local Court of Adelaide by G. Laughton & Coombs Ltd. against the Master Butchers Ltd. to recover £4 16s., being the price of two pigs sold by the plaintiffs to the defendants by auction. The defendants pleaded that the pigs were diseased animals, and, therefore, that the sale was contrary to sec. 109 of the *Health Act* 1898. The sale was subject to the condition that the pigs were not warranted free from disease. The Special Magistrate found that at the time the pigs were sold they were diseased, and gave judgment for the defendants, but he reserved for the Supreme Court the question whether the sale was contrary to the provisions of sec. 109 and illegal without proof of *mens rea*.

The Supreme Court answered the question in the negative.

The defendants now applied to the High Court for special leave to appeal from that decision.

*Starke*, for the applicants, referred to secs. 106, 109 and 111 of the *Health Act* 1898.

GRIFFITH C.J. We do not see any reason to doubt the accuracy of the conclusion to which the Supreme Court came. The application will be refused.

*Special leave to appeal refused.*

Solicitor, *H. M. Lee*, for *E. J. W. Ashton*, Adelaide.

B. L.