[HIGH COURT OF AUSTRALIA.]

FURLONG . . . . . APPELLANT;
RESPONDENT,

AND

JAMES . . . . . RESPONDENT.
APPLICANT,

ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES.

Liquor—Publican's licence—Transfer to spinster—Liquor Act 1912 (*N.S.W.*) (*No.* 42 *of* 1912), *secs.* 24, 37, 116-118.

A publican's licence under the *Liquor Act* 1912 (N.S.W.) may not be transferred to a spinster.

So *held* by *Starke* and *Dixon* JJ., (*McTiernan* J. dissenting).

Decision of the Supreme Court of New South Wales (Full Court): *Ex parte James*; *Re Furlong*, (1940) 40 S.R. (N.S.W.) 345; 57 W.N. (N.S.W.) 119, affirmed.

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SYDNEY, *Aug.* 12, 13; *Sept.* 10.

Starke, Dixon and McTiernan JJ.

APPEAL from the Supreme Court of New South Wales.

A widow, Mary Anne Furlong, held a publican's licence under the *Liquor Act* 1912 (N.S.W.), and was the licensee of a hotel situate within the Metropolitan Licensing District, Sydney. She died on 3rd September 1940. Probate of her will was granted on 8th April 1940 to her daughter, Anne Veronica Furlong, who was a spinster over the age of twenty-one years and who carried on the hotel business as from the death of her mother, relying, apparently, upon the provisions of sec. 116 of the Act.

On 11th April 1940, Anne Veronica Furlong, as such executrix, applied pursuant to sec. 37 of the Act for the transfer of the publican's licence to herself.

The Licensing Court granted the application, but prohibition was granted by the Supreme Court of New South Wales upon a rule nisi obtained by Norman Devine James, an inspector of police and the inspector duly appointed under the Act in and for the Metropolitan Licensing District: *Ex parte James*; *Re Furlong* (1).

From that decision Miss Furlong appealed to the High Court.

The relevant statutory provisions are sufficiently set forth in the judgments hereunder.

Watt K.C. (with him *Bathgate*), for the appellant. Sec. 37 of the *Liquor Act* 1912 relates only to the transfer of the licence of a business already established. Applications thereunder are dealt with by a special tribunal. It is a jurisdiction of the licensing magistrate which is separate and distinct from the jurisdiction of the Licensing Court. Applications under sec. 24 of the Act can only be made to a central court. Although by the proviso to sub-sec. 1 of sec. 24 an application by a spinster for a licence for previously unlicensed premises shall not be entertained, there is not any similar prohibition in respect of an application by a spinster under sec. 37 for the transfer of an existing licence. There are substantial reasons for the prohibition under sec. 24 (1) which do not apply to the transfer of the licence of an established business. An application under sec. 37 is a joint application by the intending transferor and transferee. Recognition of the right of unmarried females to obtain the transfer of a licence with all the attendant rights and liabilities of a licensee is given in secs. 116, 117, 118, 124 and 131. A statement of the earlier history of the licensing system in New South Wales appears in *R.* v. *Licensing Authority of Ipswich*; *Ex parte Conway* (2). Until the *Licensing Act* of 1882 there was not any statutory bar against an unmarried woman obtaining a licence, either by original grant or by transfer. That Act, which was passed a few months after the decision in *Cudmore* v. *Wilson* (3), imposed a prohibition only in respect of an original grant of a licence. Whether the judgment of a licensing magistrate is right or wrong it cannot be questioned (*Mullen* v. *Hood* (4)). The words "unmarried woman" have a

(1) (1940) 40 S.R. (N.S.W.) 345; 57 W.N. (N.S.W.) 119.
(2) (1910) Q.S.R. 213.
(3) (1881) 2 L.R. (N.S.W.) 228.
(4) (1935) 54 C.L.R. 35.

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primary meaning of a woman who has never been married, and a secondary meaning of a woman who for the time being is freed from the control of her husband and so can be treated as unmarried (*In re Lesingham's Trusts* (1); *In re Sergeant*; *Mertens* v. *Walley* (2)). There is not any provision in the Act which either expressly or by implication takes away the right of a spinster to apply for or obtain a licence by transfer. Such a right cannot be taken away by a mere implication which is unnecessary for the reasonable construction of the statute (*R.* v. *Wimbledon Local Board* (3)). If the legislature had intended to prohibit the transfer of licences to spinsters it could have so provided in clear words (*Cudmore* v. *Wilson* (4); *Ex parte Bone* (5); *Ex parte Honorah Luke* (6)). The words of prohibition must be taken as they appear in the statute; they must not be construed as though the legislature had gone as far as it is thought or assumed the legislature intended to go (*Equitable Life Assurance Society of the United States* v. *Reed* (7)). The policy of the legislature, as indicated by the provisions of the Act, is that although an unmarried woman is restricted from making an application for an original grant, upon the result of such an application being transmuted into personal property no restrictions whatever are imposed as a clog on the transfer thereof. *Ex parte Day* (8) has no bearing upon the matter before the court; the only permissible warrant for that decision was sec. 16 of the Act of 1882—sec. 117 of the present Act. An application for the transfer of a licence in respect of premises previously licensed is not an application under sec. 24 (1) (*R.* v. *Mayor &c. of Melbourne* (9); *White* v. *Thomas* (10)). The difference between an original grant of a licence and a renewal of a licence is discussed in *Mullen* v. *Hood* (11). In the statute under consideration in *Sharp* v. *Wakefield* (12) there was not any provision for renewal. The words in the proviso to sec. 24 (1)

(1) (1883) 24 Ch. D. 703, at pp. 705, 706.
(2) (1884) 26 Ch. D. 575, at p. 577.
(3) (1882) 8 Q.B.D. 459, at p. 464.
(4) (1881) 2 L.R. (N.S.W.), at p. 231.
(5) (1888) 9 L.R. (N.S.W.) 363, at p. 365.
(6) (1901) 1 S.R. (N.S.W.) 322, at pp. 332, 333; 18 W.N. (N.S.W.) 175, at p. 177.
(7) (1914) A.C. 587, at pp. 595, 596.
(8) (1894) 15 L.R. (N.S.W.) 420; 11 W.N. (N.S.W.) 80.
(9) (1879) 5 V.L.R. (L.) 446, at p. 448.
(10) (1932) S.A.S.R. 66, at p. 69.
(11) (1935) 54 C.L.R. 35; 35 S.R. (N.S.W.) 289, at p. 302; 52 W.N. (N.S.W.) 84, at p. 86.
(12) (1891) A.C. 173.

are clear, definite and unambiguous. Weight must be given to the precise choice of language, particularly to the use of the word "such" before the word "application." The application of the words of the sub-section and proviso should not be extended beyond their definite operation (*Barras* v. *Aberdeen Steam Trawling and Fishing Co. Ltd.* (1); *New Plymouth Borough Council* v. *Taranaki Electric-Power Board* (2)). The principles set forth in *Vacher & Sons Ltd.* v. *London Society of Compositors* (3) should be applied. Words should not be read into a statute in order that effect might be given to a supposed intention or policy of the legislature (*Smyth* v. *The Queen* (4); *Wilkes* v. *Goodwin* (5)).

Redshaw, for the respondent. A similar question was before the court in *Ex parte Day* (6). The three later re-enactments or amendments of the statute show that the legislature accepted the interpretation there given by the court, and also show that the widened interpretation of the proviso to sec. 24 (1), and not the proviso *simpliciter*, was in the mind of the legislature when it gave relief, because there is not any mention of married women in the proviso, yet the relief given is under the interpretation expressed by the court in *Ex parte Day* (6). Relief is given only in certain circumstances to limited classes of married women and unmarried women; in such cases express provision therefor is made: See particularly sub-secs. 2, 3, 4 and 5 of sec. 24. By the use of the word "grant," the legislature has extended the purview of sec. 24 to sec. 37, or any other section of the Act requiring the construction of the right to apply or obtain a licence. Where words in a statute have been judicially interpreted and in a subsequent amendment of the statute the same words are used they should be given the interpretation attributed to them by the court (*Barras* v. *Aberdeen Steam Trawling and Fishing Co. Ltd.* (7); *Halsbury's Laws of England*, 2nd ed., vol. 31, p. 493, par. 627). A literal interpretation of the proviso to sec. 24 (1) which depends upon the use of the word "such" leads to an apparent absurdity and should not

(1) (1933) A.C. 402, at p. 446.
(2) (1933) A.C. 680, at p. 682.
(3) (1913) A.C. 107.
(4) (1898) A.C. 782, at p. 787.
(5) (1923) 2 K.B. 86, at p. 93.
(6) (1894) 15 L.R. (N.S.W.) 420; 11 W.N. (N.S.W.) 80.
(7) (1933) A.C., at p. 411.

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prevail against the purpose or object of the Act (*Caledonian Railway Co.* v. *North British Railway Co.* (1)). Where the intention of the legislature is apparent the words of the section should be construed in the light of that intention (*Craies* on *Statute Law*, 4th ed. (1936), pp. 83, 84 ; *Halsbury's Laws of England*, 2nd ed., vol. 31, p. 499, par. 636). In sec. 24 the legislature dealt exhaustively with the point of the capacity of women, both married and unmarried. That section must be taken to control the whole of the necessary applications for licences under the Act. Secs. 116, 117, 118 and 124 provide only for exceptional circumstances or sudden emergencies. The Act clearly shows that the legislature intended that licensees should be males. A renewal of the licence is a regranting of the licence for a further period (*Ex parte Castles* (2) ; *Sharp* v. *Wakefield* (3)). Acceptance of the appellant's construction of the statute would thus defeat the intention of the legislature. In *Ex parte Honorah Luke* (4) the court accepted *Ex parte Day* (5) as a proper exposition of the law showing the intention of the legislature in the *Licensing Act* to prohibit women, married and unmarried, from acquiring a licence. *Ex parte Honorah Luke* (6) was referred to in *Phillips* v. *Lynch* (7). An application for the transfer of a licence can be dealt with either by the licensing court or by a licensing magistrate. The rights, liabilities and duties of a licensee are exactly the same whether the licence be acquired by grant or by transfer.

Watt K.C., in reply. There is a material difference between the subject matter of sec. 24 and of sec. 37. An application under sec. 24 is in respect of premises not previously licensed, whereas an application under sec. 37 has no relation to premises. The operation of the proviso to sec. 24 (1) is limited to the special and particular subject matter of the enacting section (*Local Government Board* v. *South Stoneham Union* (8) ; *Halsbury's Laws of England*, 2nd ed.,

(1) (1881) 6 App. Cas. 114.
(2) (1882) 3 L.R. (N.S.W.) 201, at p. 204.
(3) (1891) A.C., at p. 183.
(4) (1901) 1 S.R. (N.S.W.), at pp. 332, 333 ; 18 W.N. (N.S.W.), at p. 177.
(5) (1894) 15 L.R. (N.S.W.) 420 ; 11 W.N. (N.S.W.) 80.
(6) (1901) 1 S.R. (N.S.W.) 322 ; 18 W.N. (N.S.W.) 175.
(7) (1907) 5 C.L.R. 12, at pp. 19, 21, 23, 25, 27, 29, 32.
(8) (1909) A.C. 57, at p. 63.

vol. 31, p. 484, par. 605). The use in the proviso of the words "such application" is of special significance and importance. The appellant's right to have an opportunity of satisfying the licensing magistrate that she is an acceptable person is a very valuable right (*Chaplin* v. *Hicks* (1)). She could not hold the licence by a nominee or agent (*Coghlan* v. *Peel* (2)). The rules of interpretation as set forth in *Halsbury's Laws of England*, 2nd ed., vol. 31, at pp. 498-500, should be applied.

Cur. adv. vult.

Sept. 10.

The following written judgments were delivered :—

STARKE J. The *Liquor Act* 1912 (N.S.W.) in Div. 3 of Part 3 contains provisions regulating the method and conditions of obtaining publicans' and other licences. But there is a proviso to sec. 24 which enacts :—"Provided always that, except as hereinafter provided, no such application shall be entertained where such applicant is an unmarried woman (not being a widow)." The effect of the provision is that an unmarried woman (not being a widow) is disqualified from obtaining a licence unless she can bring herself within one or other of the exceptions provided for by the Act.

Mary Furlong, a widow, held a publican's licence and was the licensee of a hotel. She died in 1939. Probate of her will was granted to her daughter Anne Veronica Furlong, a spinster, who carried on the hotel business as from the death of her mother, relying apparently upon the provisions of sec. 116 of the Act. In 1940 she as such executrix applied pursuant to sec. 37 of the Act for a transfer of the publican's licence to herself. The application was granted, but prohibition was granted by the Supreme Court of New South Wales upon a rule nisi for prohibition obtained by the inspector in and for the licensing district appointed pursuant to the Act. Anne Veronica Furlong now appeals to this court against the decision of the Supreme Court.

The contention on her behalf was that her application was for a transfer and not for the grant of a licence and consequently that the proviso to sec. 24 did not prohibit the transfer of a publican's licence to a spinster. The provisions of secs. 24 (2), (3), (4), (5),

(1) (1911) 2 K.B. 786.
(2) (1906) 6 S.R. (N.S.W.) 560; 23 W.N. (N.S.W.) 179.

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116, 118, 124 and 131 were all relied upon in support of the contention, but none of them are applicable to the facts of this case. The provisions of sec. 117, however, make it clear, according to the argument, that a spinster might hold a licence, though the Supreme Court of New South Wales in *Ex parte Day* (1) did not accept that view. But the argument lays too minute a stress upon the precise words of the proviso in sec. 24 and pays too little attention to the effect and substance of the matter. *Qui haeret in litera haeret in cortice.* The disqualification of an unmarried woman (not being a widow) from obtaining a licence, apart from excepted cases, is the effect and substance of the proviso. A spinster who obtains the transfer of a licence obtains and holds a licence despite the proviso to sec. 24 which enacts that an application by her for a licence shall not even be entertained.

The Supreme Court was plainly right in its decision and this appeal should be dismissed.

DIXON J. The decision of the Supreme Court against which this appeal is brought is based upon the necessary intendment of the material provisions of the *Liquor Act* 1912 and not upon the meaning of language expressly covering the precise question at issue. That question is whether it is open to a licensing magistrate under sec. 37 (1) to grant a transfer of a publican's licence to an unmarried woman not being a widow.

Sec. 37 (1) provides that a licensing magistrate may, on application in writing by an intended transferor and transferee, transfer at any time the licence of any licensee (other than a booth or stand licence) to such transferee if approved by him, by an indorsement upon the licence in the form prescribed or to the like effect.

It will be seen that no reference, express or implied, is made to the capacity or competence of the proposed transferee to hold the licence. The sub-section is concerned only with the authority of a magistrate to grant a transfer of a licence. But sec. 24 (1), which deals with applications for original grants of publicans', spirit merchants' and Australian wine licences, concludes with a proviso which disqualifies an unmarried woman (not being a widow) from

(1) (1894) 15 L.R. (N.S.W.) 420; 11 W.N. (N.S.W) 80.

making such an application. The proviso is as follows :—" Provided always that, except as hereinafter provided, no such application shall be entertained where such applicant is an unmarried woman (not being a widow)."

Notwithstanding the form of this clause, its substance appeared to the Supreme Court to raise a necessary inference that no unmarried woman except a widow should be competent to hold a publican's, spirit merchant's or Australian wine licence. This conclusion, the court conceded, might not govern emergency provisions like secs. 116, 118 and 124 ; but it did affect the grant of a transfer under sec. 37 (1).

It is unnecessary to say that great caution must always be exercised in giving a wider operation to the intention of the legislature than the literal meaning of the enacting words requires. The appellant cites as an apposite expression of the principle a passage from the judgment of *Bankes* L.J. in *Wilkes* v. *Goodwin* (1) : " If the result is not what the legislature intended it is for the legislature to amend the proviso, rather than for the law courts to attempt the necessary amendment by investing plain language with some other than its natural meaning in order to produce a result which it is thought the legislature must have intended."

But notwithstanding the hesitation and misgiving which always must be felt in applying the substantial intention disclosed by an enactment to a case which does not fall within the exact words, I am not prepared to differ from the view of the Supreme Court.

There is, I think, a combination of matters justifying the interpretation their decision places on the statute.

To begin with, we are dealing with no ordinary enactment. Its provisions are not expressed in the careful terms or worked out in the logical sequence or completeness to which we are accustomed in a modern statute. Many provisions involve unexpressed assumptions and many are inartificially framed. Then the proviso to sec. 24 (1) has already been dealt with judicially in a manner both inconsistent with its performing the office proper to a proviso and consistent only with its application extending to grants of transfers.

(1) (1923) 2 K.B., at p. 93.

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In *Ex parte Day* (1), which was decided upon the combined operation or effect of the provisions which now stand as sec. 117 and the proviso to sub-sec. 1 of sec. 24 before the enactment of the provisions now contained in the remaining sub-sections of that section, the Supreme Court held that a married woman was not competent to receive the grant of a transfer of a publican's licence. The reasoning was in part based upon the view that the proviso to sec. 24, which was then sec. 29 of Act 45 Vict. No. 14, implied that a widow was affirmatively empowered to hold a licence and that from its reference to a widow, from its prohibition of applications by any other unmarried woman, and from the transmission effected by what is now sec. 117 of the benefit and burden of a licence held by a single woman to her husband on her marriage, an implication arose against a married woman obtaining a licence whether by transfer or original application. Whatever might be thought of this reasoning, the conclusion has been confirmed by the enactment of what are now sub-secs. 2, 3 and 4 of sec. 24.

Stephen J. made it clear that he considered that all women but widows were excluded by the proviso from holding a publican's licence, and, as a transfer was under consideration, that the proviso, with this meaning affixed to it, applied generally and deprived a woman other than a widow of capacity to accept a transfer or to apply for an original licence. His Honour said :—" I am content to base my decision upon the proviso to sec. 29. Dr. *Sly* contended that that proviso was in his favour on the principle *expressio unius est exclusio alterius*, but it seems to me that on that principle the proviso is against him. It says ' no application shall be entertained where such applicant is an unmarried woman (not being a widow).' That seems to me to exclude the idea of any woman, other than a widow, being an applicant " (2). *Darley* C.J. was perhaps less specific, but he said : " It is said that this being an application for a prohibition at common law we must be satisfied that the licensing magistrate had no jurisdiction. It appears to us that he had no more jurisdiction to entertain an application for a licence by a married woman than he had to entertain such an application by an

(1) (1894) 15 L.R. (N.S.W.) 420; 11 W.N. (N.S.W.) 80.

(2) (1894) 15 L.R. (N.S.W.), at pp. 424, 425; 11 W.N. (N.S.W.), at p. 81.

unmarried woman. In the proviso to sec. 29 of the principal Act (43 Vic. No. 14) it is provided that no application for a licence shall be entertained where the 'applicant is an unmarried woman (not being a widow)'" (1).

Their Honours do not expressly advert to the fact that they were prohibiting not an application for a new licence but the grant of a transfer, but it is plain that they regarded the distinction as immaterial. The importance of the decision is twofold. First, it extends the operation of the proviso to transfers and, secondly, it treats it (read with sec. 117) as implying that, apart from express and exceptional provisions, no woman but a widow could hold a licence. The decision was given forty-six years ago and is the foundation of the subsequent legislation already mentioned.

The next consideration which appears to me to enter into the combination justifying the conclusion of the Supreme Court is that no plausible reason can be imagined for incapacitating a spinster from applying for a licence and, at the same time, allowing her to obtain one by transfer. Possible grounds for such a distinction were indeed suggested, but they were triumphs of ingenuity over reason and good sense, and, beyond maintaining the traditional inexhaustibility of the resource of counsel, took the matter no further.

Lastly, it seems clear that sec. 37 (1) is directed only to the machinery for effecting a transfer of a licence and has no relation to the question who is competent to hold a licence. That question must be answered by reference to other provisions of the *Liquor Act* and the general law. It is not an unnatural meaning to attribute to the statute that no one who is expressly disabled from applying for a licence is capable of holding one. Upon this interpretation of the Act, the magistrate went beyond his jurisdiction in granting a transfer to a spinster, and prohibition therefore lies.

For these reasons I am of opinion that the appeal should be dismissed with costs.

McTiernan J. The question to be decided is whether the licensing tribunal under the New South Wales *Liquor Act* 1912 may entertain an application by a spinster for the transfer to her of a publican's licence.

The appellant, who is a spinster, applied under sec. 37 of this Act for the transfer to her of a publican's licence in which

(1) (1894) 15 L.R. (N.S.W.), at p. 423; 11 W.N. (N.S.W.), at p. 81.

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(although this is not material to the question of her competence to apply) she was beneficially interested. This section does not say who are competent or incompetent to apply for the transfer of a licence. But no person is a competent applicant who could not lawfully hold the licence sought to be transferred. The incompetence of the appellant, it is contended, is brought about by the operation of the proviso to sec. 24 (1). This is expressed to apply to unmarried women other than widows. Its application is clearly expressed to be limited to applications for new licences. It is contended, however, that the proviso should be construed to extend to a spinster's application under sec. 37 for the transfer of an existing licence. Two contentions are made: (*a*) the application of the proviso to such cases ought to be implied and (*b*) it must be presumed that the legislature intended that the construction of the Act should be governed by a judicial interpretation relating to the capacity of women to hold publican's licences which stood at the time the Act was passed. The first contention assumes that the context of the proviso affects unmarried women who are spinsters. This being conceded, the substantial ground for the contention is that it is necessary to read the proviso as extending to sec. 37 in order to save the prohibition which, it is said, could be evaded if newly-obtained licences were transferred to spinsters. But why should it be supposed that, because the legislature prohibited unmarried women except widows from embarking on proceedings for the grant of new licences, it intended that they should be incompetent to apply for transfers of licences after such proceedings had ended? To say so is, in my opinion, merely a speculative inference, not a necessary implication. To allow a spinster to apply for the transfer of an existing licence to herself is not inconsistent with the prohibition against her applying for the grant to herself of a licence for premises not already licensed. The two proceedings are substantially different. An application for a new licence raises controversies which an application for a transfer of a licence does not raise. The second contention is made in reliance on the case of *Ex parte Day* (1). In that case it was decided that upon the true construction of the *Licensing Acts*, 45 Vic. No. 14 and 46 Vic. No. 24, which are now embodied in the *Liquor Act*

(1) (1894) 15 L.R. (N.S.W.) 420; 11 W.N. (N.S.W.) 80.

1912, it was not the intention of Parliament to permit a married woman to hold a publican's licence and that she was, therefore, incompetent to be the transferee of such a licence. *Darley* C.J., who with *Stephen* J. constituted the court, founded his conclusion on a number of sections, which he said "clearly indicate that it was not the intention of the legislature that a married woman when living with her husband should hold a licence . . . now, if a married woman living with her husband could hold a licence, she could exempt herself from the penalties by saying that she was acting under the coercion of her husband" (1). This reasoning clearly does not lay down any principle of construction which would exclude a spinster any more than a bachelor. But *Stephen* J., referring to the proviso to sec. 29 of 45 Vic. No. 14, which is similar in terms to the proviso to sec. 24 (1), said: "That" (proviso) "seems to me to exclude the idea of any woman, other than a widow, being an applicant" (2). In so far as these remarks refer to the capacity of a spinster to hold a licence they are *obiter dicta*. The case was not one in which the right of a spinster to hold a licence was in question. There is nothing to show that the court understood or to support any such presumption as that Parliament understood this decision to mean that the proviso placed a spinster under the disability of not being allowed to hold a publican's licence: Cf. *Concrete Constructions Pty. Ltd.* v. *Barnes* (3), per *Latham* C.J. A spinster is not, as such, under any legal disability to hold or acquire property. The Act does not, in my opinion, either expressly or impliedly abrogate her common-law right to become the owner of a licence, although it may be conceded that it prohibits her from applying for the grant to her of a licence for premises not already licensed. One section at least—sec. 117—very clearly implies that a spinster or a widow may be the lawful holder of a publican's licence. It is impossible, in my opinion, to see any indication of legislative intention to forbid the transfer of a licence to a spinster. The appellant's social condition was immaterial and irrelevant to her application unless it could be made a ground of objection under sec. 29 of the Act. But

(1) (1894) 15 L.R. (N.S.W.), at p. 424; 11 W.N. (N.S.W.), at p. 81.

(2) (1894) 15 L.R. (N.S.W.), at p. 425; 11 W.N. (N.S.W.), at p. 81.

(3) (1938) 61 C.L.R. 209, at p. 225.

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an objection on that ground would be no less frivolous and vexatious, and therefore inadmissible, in an application by a spinster for the transfer of a licence to her if her character and qualifications are unassailable than if the applicant were a widow whose character and qualifications were likewise not open to attack.

In my opinion, the order nisi should be discharged and the appeal allowed.

Appeal dismissed with costs.

Solicitors for the appellant, *Smithers, Warren & Lyons.*

Solicitor for the respondent, *J. E. Clark*, Crown Solicitor for New South Wales.

J. B.