

48/1924

SLADE V. WESTRALIAN FARMERS LTD

JUDGMENT

STARKE J.

The action is brought by Charles H. Slade against Westralian Farmers Ltd. The Statement of Claim alleges that the plaintiff is a merchant carrying on business at Sydney and Melbourne, which are the capitals of the States of New South Wales and Victoria respectively, and the defendant a duly registered Company, carrying on business at Perth, which is the capital of <sup>the State of</sup> Western Australia. Objection is taken that this Court has no jurisdiction to hear the action. The Court has original jurisdiction in "matters between residents of different States" (Constitution S 75 (iv)), but The Australasian Temperance and General Mutual Life Assurance Society v. Howe 31 C.L.R. 290, is a decisive authority that a corporation, or a Company registered under Trading Companies Acts, cannot be a resident of a State within the meaning of this provision. The allegations in the Statement of Claim do not, therefore, found any jurisdiction in this Court, and the action must be struck out. But it is struck out without costs: the objection ought to have been raised at an early <sup>stage</sup> of the action, and not at the last moment, when the cause is in the list for hearing.

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*W. Paul*  
*M. Paul*  
18/9/25