

N^o 32 of 1925 (5)

IN THE HIGH COURT OF AUSTRALIA.

WILLIS v. AUSTRALIAN TRADING
CO. PTY. LTD.

and

JONES v. AUSTRALIAN TRADING
CO. PTY. LTD.

(Consolidated)

REASONS FOR JUDGMENT.

and Judgment of Court

The Chief Justice;

Mr. Justice Isaacs;

Mr. Justice Starke.

High Court of Australia,
Principal Registry.

Judgment delivered at Melbourne

on 16th October, 1925.

WILLIS & JONES v. THE AUSTRALIAN TRADING COMPANY PY.LD.

JUDGMENT

We think it is clear that the matter sought to be raised by Amendment has an important bearing on the question of the liability of the defendants. This being so we think on the whole it is desirable to allow this matter to be investigated and that we should order a new trial. The order will be as follows:- Appeals allowed - judgment of Supreme Court discharged - Action remitted to the Supreme Court for a new trial with liberty to all parties to amend as they may be advised.

Costs of the first trial and of any amendments to be in the discretion of a Judge of the Supreme Court.

No order as to costs of Jones' appeal. Respondent Company to pay half the costs of Willis' appeal.

WILLIS & JONES V THE AUSTRALIAN TRADING COMPANY Pty. Ltd.

Judgment.

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We order as to costs of Jones' appeal. Respondent Company to pay half the costs of Willis' appeal.