

IN THE HIGH COURT OF
AUSTRALIA

NEW SOUTH WALES REGISTRY

No. 37 of 1928.

IN THE MATTER of the Income Tax
Assessment Act 1922-1925

AND IN THE MATTER of Reference
No. 41/1927 to a Board of Review
constituted under the Income Tax
Assessment Act 1922-1925 at the
request of Lady Margaret Russell
Ewing.

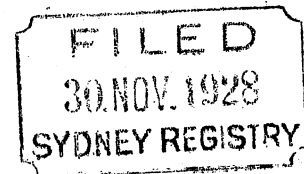
B E T W E E N LADY MARGARET RUSSELL
EWING

Appellant

-and-

THE COMMISSIONER OF
TAXATION OF THE COMMON-
WEALTH OF AUSTRALIA

Respondent



O R D E R

IN THE MATTER of the Income Tax Assessment
Act 1922-1925.

AND IN THE MATTER of Reference No. 41/1927
to a Board of Review constituted under the Income
Tax Assessment Act 1922-1925 at the request of
Lady Margaret Russell Ewing.

B E T W E E N LADY MARGARET RUSSELL EWING

Appellant

-and-

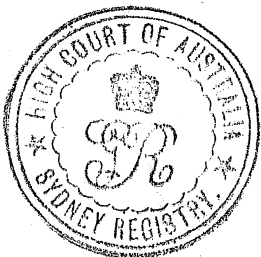
THE COMMISSIONER OF TAXATION
OF THE COMMONWEALTH OF AUSTRALIA

Respondent

Before His Honor Mr. Justice Starke.

Tuesday the Twentyseventh day of November
one thousand nine hundred and twenty eight.

WHEREAS by Notice of Appeal filed in this Court on the
Twentieth day of March last the appellant instituted an
appeal against the decision of the said Board of Review
in this matter AND WHEREAS this appeal came on to be
heard before His Honor Mr. Justice Starke on the Seventh day
of August last AND WHEREAS a case was stated for the
opinion of the Full Court of this Court in which the following
question was asked namely:- Were the payments of One thousand
pounds and Five hundred pounds by the Trustees (in the said
case mentioned) in the years ending on the Thirtieth day of June
one thousand nine hundred and twenty three and one thousand
nine hundred and twenty four respectively income of the
appellant within the meaning of the Income Tax Assessment
Act 1922-1925? AND WHEREAS the said case came on to be heard
before the Full Court of this Court on the fifteenth day of
August last WHEREUPON the Full Court answered the said question



in the affirmative AND did remit the said case with its opinion to this Court AND the said appeal again coming on to be heard before His Honor Mr. Justice Starke this day WHEREUPON AND UPON READING the said opinion of the Full Court upon the said question AND UPON HEARING what was alleged by Mr. Collier of Counsel for the appellant and Mr. Alroy Cohen of Counsel for the respondent THIS COURT DOTH ORDER that the assessment and the amended assessment referred to in the said Notice of Appeal be confirmed AND THIS COURT DOTH FURTHER ORDER that the said appeal be dismissed AND THIS COURT DOTH FURTHER ORDER that the costs of this appeal be taxed and certified by the proper Officer of this Court and that the same when so taxed and certified be paid by the appellant to the respondent or to his Solicitor the Crown Solicitor for the Commonwealth.

CSH

By the Court.

Arthur J. Saddington
District Registrar



IN THE HIGH COURT OF AUSTRALIA
NEW SOUTH WALES REGISTRY

27
No. ~~10~~ of 1928.

IN THE MATTER of the Income Tax
Assessment Act 1922-1925.

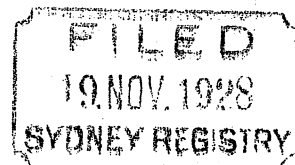
AND IN THE MATTER of reference
No. 41/1927 to a Board of Review
constituted under the Income Tax
Assessment Act 1922-1925 at the
request of Lady Margaret Russell
Ewing.

BETWEEN LADY MARGARET RUSSELL
EWING

Appellant

-and-

THE COMMISSIONER OF
TAXATION OF THE COMMON-
WEALTH OF AUSTRALIA



IN ORDER

On Petition of 27/11/28.

*Official dismissed with costs.
Arrangement confirmed.*

*Clark,
Associate*

MINTER SIMPSON & CO.

IN THE HIGH COURT OF AUSTRALIA }
NEW SOUTH WALES REGISTRY }

27/9
No. 16 of 1928.

IN THE MATTER of the Income Tax Assessment
Act 1922-1925.

AND IN THE MATTER of Reference No. 41/1927
to a Board of Review constituted under the Income
Tax Assessment Act 1922-1925 at the request of
Lady Margaret Russell Ewing.

B E T W E E N

LADY MARGARET RUSSELL EWING

Appellant

-and-

THE COMMISSIONER OF TAXATION
OF THE COMMONWEALTH OF AUSTRALIA

Respondent

Before their Honors Mr. Justice Isaacs, Mr. Justice
Higgins, and Mr. Justice Gavan Duffy.

Wednesday the Fifteenth day of August one thousand
nine hundred and twenty eight.

WHEREAS by Notice of Appeal filed in this Court on the
Twentieth day of March last the appellant instituted an appeal
against the decision of the said Board of Review in this
matter AND WHEREAS this appeal came on to be heard before
His Honor Mr. Justice Starks on the Seventh day of August last
AND WHEREAS a case was stated for the opinion of the Full
Court of this Court in which the following question was asked
namely:- Were the payments of One thousand pounds and Five
hundred pounds by the Trustees (in the said case mentioned)
in the years ending on the Thirtieth day of June one thousand
nine hundred and twenty three and one thousand nine hundred and
twenty four respectively income of the appellant within the
meaning of the Income Tax Assessment Act 1922-1925? AND WHEREAS

the said case came on to be heard before this Court this day
WHEREUPON AND UPON READING the said case AND UPON HEARING
what was alleged by Mr. Collier of Counsel for the appellant
and by Mr. Alroy Cohen of Counsel for the respondent THIS COURT
DOTH ANSWER the said question in the affirmative AND THIS COURT
DOTH REMIT the said case with this opinion AND THIS COURT DOTH
ORDER that the costs of and incidental to the said case be
costs in this appeal.

By the Court,

Arthur J. Sadleir
District
Deputy Registrar.