

1/3  
IN THE HIGH COURT OF AUSTRALIA

---

LAUGHTON.

---

V.

COMMONWEALTH  
THE DEPUTY/CROWN SOLICITOR FOR THE  
STATE OF NEW SOUTH WALES & ANOR.

---

---

**REASONS FOR JUDGMENT**

---

*Judgment delivered at* Sydney.

*on* 12th December, 1947

THE KING v. LAUGHTON

(Bankruptcy - Venue)

JUDGMENT:

Judgment of Court delivered by LATHAM, C.J.

In this case His Honour Judge Clyne ordered the prosecution of a bankrupt in pursuance of section 217 of the Bankruptcy Act, for offences against 209(g) of that Act.

His Honour directed that the trial should take place before the Court of Bankruptcy in Sydney. An application was made for a transfer of the trial to Goondiwindi. All the witnesses except an accountant were in Queensland, that is the witnesses both for the Prosecution and for the Defence, within one hundred miles or thereabouts of Goondiwindi and eight hundred miles or thereabouts away from Sydney. The Crown however had offered, and the offer still stands, to pay reasonable expenses of all the witnesses, and of the Bankrupt himself, incidental to their coming to Sydney.

The Learned Judge considered all those matters and made an Order for Trial before the Bankruptcy Court in Sydney rather than for a trial before the Supreme Court in Goondiwindi. No matter of law is involved, His Honour considered all the circumstances. There are considerations to support each contention, but there is no reason for interfering with His Honour's exercise of his discretion.

The appeal should therefore be dismissed. There will be no Order as to costs.

-----