

IN ^XTHE HIGH COURT
OF AUSTRALIA
QUEENSLAND REGISTRY

Appeal No. 7 of 1963.

ON APPEAL FROM THE COURT OF PETTY
SESSIONS OF QUEENSLAND

B E T W E E N :

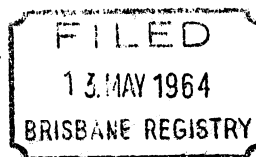
WINTON TRANSPORT PTY. LIMITED
and ERIC MUIR LENTON
Appellants
(Defendants)

- and -

NORMAN STANLEY MADSEN
Respondent
(Complainant)

J U D G M E N T

File
856280



Delivered: 4/9/63

J. P. O'Callaghan,
Crown Solicitor,
Treasury Building,
Queen Street,
BRISBANE.

ON APPEAL FROM THE COURT OF PETTY SESSIONS
OF QUEENSLAND

B E T W E E N :

WINTON TRANSPORT PTY. LIMITED
and ERIC MUIR LENTON
Appellants
(Defendants)

- and -

NORMAN STANLEY MADSEN
Respondent
(Complainant)

BEFORE THEIR HONOURS THE CHIEF JUSTICE SIR OWEN
DIXON MR. JUSTICE KITTO MR. JUSTICE TAYLOR MR.
JUSTICE MENZIES and MR. JUSTICE WINDEYER

BRISBANE the Fourth day of September, 1963.

THIS COMPLAINT having on the Fourth day of
September 1963 come on for hearing at Brisbane in the
State of Queensland by way of Appeal from the conviction
and order of the Court of Petty Sessions Brisbane aforesaid
made and pronounced by J. A. Franzmann Esquire Stipendiary
Magistrate Brisbane aforesaid on the Thirty-first day of
January 1963 whereby the said Stipendiary Magistrate upon
the complaint of the abovenamed Respondent NORMAN STANLEY
MADSEN convicted the abovenamed Appellants of an offence
against "The State Transport Act of 1960" holding that the
said Appellants on the Twenty-eighth day of April 1961 on
the Lockyer-Darling Downs Highway at Redbank a place within
twenty miles of the boundary of the Petty Sessions District
of Brisbane in the said State did contravene Section 49 of
"The State Transport Act of 1960" in that the said Appellants
did use on a road namely the Lockyer-Darling Downs Highway
aforesaid a vehicle to wit an International motor truck and
trailer bearing Registered Numbers NJE-222 and NUJ-630
respectively for the carriage of goods such goods not being
at that time carried upon that vehicle under and in
accordance with a permit under the said Act issued in respect



of such vehicle and in the name of the said Appellant
WINTON TRANSPORT PTY. LIMITED and whereby the said
Stipendiary Magistrate fined each of the said Appellants
the sum of Twenty-five pounds (£25. 0. 0) and ordered each
of the said Appellants to pay the sum of Eighteen shillings
(18/-) costs of Court Ninety-four pounds eight shillings
(£94.18. 0) witnesses' expenses Fifty-two pounds ten
shillings (£52.10. 0) professional costs and Forty-three
pounds twelve shillings (£43.12. 0) licence fees determined
by the Commissioner under the said Act A N D UPON HEARING
what was alleged by Mr. W. B. Campbell Q.C. and Mr. Hampson
of Counsel for the Appellants Mr. Bennett Q.C. and Mr. Byth
of Counsel not being called upon to argue on behalf of the
Respondent A N D UPON READING the transcript of the
Record of the Proceedings herein THIS COURT DOTH ORDER
that the said Appeal be dismissed and that the Respondent
do recover against the Appellants his costs of and incidental
to this Appeal to be taxed.

By the Court,



Shannon
District Registrar.