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IN THE HIGH COURT

OF AUSTRALIA

Appeal No. 16 of 1963

QUEENSLAND REGISTRY

ON APPEAL FROM THE SUPREME COURT
OF QUEENSLAND

BETWEEN:

JACOBUS CORNELIUS DEKKER

(Defendant)
Appellant

AND

JOHN WALTER LOWIN

(Plaintiff)

-and-

LEO SMITH McGRATH, CATHERINE MARY
GEORGINA McGRATH and HAROLD OWEN
MUHL

(Defendants)
Respondents

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FILED
25 SEP 1963
BRISBANE REGISTRY

Quinlan, Miller & Treston,
Solicitors,
Albert House,
Albert Street,
BRISBANE.

Delivered: 17/9/63

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BETWEEN:

JACOBUS CORNELIUS DEKKER

(Defendant)
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JOHN WALTER LOWIN

(Plaintiff)

-and-

LEO SMITH McGRATH, CATHERINE MARY GEORGINA
McGRATH and HAROLD OWEN MUHL

(Defendants)
Respondents

BEFORE THEIR HONOURS MR. JUSTICE KITTO , MR. JUSTICE
WINDYER AND MR. JUSTICE OWEN

BRISBANE THE SEVENTEENTH DAY OF SEPTEMBER, 1963

THIS ACTION having come on for hearing at Brisbane on the 17th day September, 1963 by way of appeal from the Judgment of the Supreme Court of Queensland pronounced by Mr. Justice Philp at Brisbane on the 9th day of April, 1963 whereby it was adjudged that the plaintiff do recover against the defendants LEO SMITH McGRATH, CATHERINE MARY GEORGINA McGRATH and JACOBUS CORNELIUS DEKKER the sum of £13863.18.7 with costs including reserve costs and that if the plaintiff recover from the said LEO SMITH McGRATH and CATHERINE MARY GEORGINA McGRATH an amount in excess of forty per centum of the said sum and costs the said LEO SMITH McGRATH and CATHERINE MARY GEORGINA McGRATH should be at liberty to enter judgment against the defendant JACOBUS CORNELIUS DEKKER for the total sum so recovered from them in excess of the said forty per centum together with the costs of entering such judgment AND FURTHER that should the plaintiff recover from the said JACOBUS CORNELIUS DEKKER an amount in excess of sixty per centum of the said sum and costs the said JACOBUS CORNELIUS DEKKER should be at liberty to enter judgment against the said LEO SMITH McGRATH and



CATHERINE MARY GEORGINA Mc GRATH for the total sum so recovered from him in excess of the said sixty per centum together with costs of entering such judgment.

UPON HEARING Mr. W.B. Campbell Q.C. with him Mr. O'Sullivan of Counsel for the abovenamed Appellant, Mr. Mc Gill Q.C. for the abovenamed respondent JOHN WALTER LOWIN, Mr. Douglas Q.C. with him Mr. Smith of Counsel for the respondents LEO SMITH Mc GRATH and CATHERINE MARY GEORGINA Mc GRATH AND UPON READING the record of the transcript of the proceedings herein THIS COURT DOETH ORDER that the Appeal be and the same is hereby dismissed and that each of the respondents JOHN WALTER LOWIN and LEO SMITH Mc GRATH and CATHERINE MARY GEORGINA Mc GRATH do recover against the appellant their costs of the Appeal to be taxed AND BY CONSENT this Court doth further order that the sum of £50. 0. 0. paid into the Registry of this Court by the appellant as security for costs of the Appeal be paid out to the appellant or his solicitors, Messrs. Cranston, Mc Eachern & Halligan, Solicitors, Brisbane.

By the Court



J. Hannan
District Registrar

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