

No 62 05. (7)
IN THE HIGH COURT OF AUSTRALIA
NEW SOUTH WALES REGISTRY

On APPEAL from the Supreme Court
of New South Wales

MACINTOSH & Anor. APPELLANTS

A N D

DUN & Ors. RESPONDENTS.

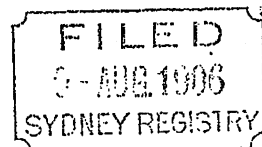
A N D

DUN & Ors. APPELLANTS.

A N D

MACINTOSH & Anor. RESPONDENTS?

O R D E R.



Elliott Meyer

65 Market Street.

IN THE HIGH COURT OF AUSTRALIA
NEW SOUTH WALES REGISTRY

On APPEAL from the Supreme Court of New
South Wales

BETWEEN JAMES MACINTOSH and JOHN MACINTOSH the
Younger (Plaintiffs) APPELLANTS.

A N D

MARY BRADFORD DUN, ROBERT DUN DOUGLAS,
FRANCIS LEWIS MINTON and WALTER DUNCAN
BUCHANAN (Defendants) RESPONDENTS.

A N D

MARY BRADFORD DUN & ORS. APPELLANTS.

A N D

JAMES MACINTOSH & Anor. RESPONDENTS.

Friday the third day of August One thousand nine hundred and six.

UPON READING the Bills of Costs in the abovenamed Appeals, the memorandum by the District Registrar of this Honorable Court, the two Summonses herein both dated the third day of July last and the Affidavits of Elliott Meyer sworn on the second day of July last and filed herein AND UPON HEARING Mr J.L.Campbell in support of the said summonses and Mr Blackett in opposition thereto I DO ORDER that the said District Registrar do review his taxation of the said Bills of Costs so that single Refresher Fees only be allowed to Counsel for each day after the first day, such allowance being made in one of the said Bills only or at the option of the successful party by apportioning such Refresher Fees between both Bills, and so that single charges only be allowed in respect of all attendances made pending and incidental to the hearing of the said Appeals up to and inclusive of the Order or Judgment of this Honorable Court made on

the seventh day of May last and which were or ought to have been made at the same time with respect to matters included in both the said Bills of Costs AND I ORDER the said District Registrar to amend the two Certificates of Taxation herein in accordance with this Order AND I ALSO ORDER that the abovenamed Mary Bradford Dun, Robert Dun Douglas, Francis Lewis Minton, and Walter Duncan Buchanan do forthwith after such review and amendment of the said Certificates of Taxation repay to the abovenamed James Macintosh and John Macintosh the Younger or to Mr Elliott Meyer their Solicitor the difference between the amounts of costs as certified in such amended Certificates and the sum of Three hundred and ninety six pounds one shilling and nine pence already paid by them to the said Mary Bradford Dun, Robert Dun Douglas, Francis Lewis Minton, and Walter Duncan Buchanan.

J. P. Griffith
Associate
8/8/06

J. W. Griffith C. J.

Review directed. ~~As to Refresher~~
~~to be~~ Single Refresher fees to be allowed
for each day (to be apportioned if desired)
of such amount as the taxing officer
may think reasonable under the circum-
stances.

Single fees only to be allowed for
attendances pending & incidental to hearing
up to judgment

No costs of summons

Stop.
3/8/06

(5)
IN THE HIGH COURT OF AUSTRALIA

NEW SOUTH WALES REGISTRY

IN CHAMBERS

On APPEAL from the Supreme Court of
New South Wales.

MACINTOSH & Anor.)

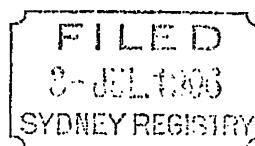
Appellants)

A ND)

DUN & Others)

Respondents)

S U M M O N S to
review Taxation.



Elliott Meyer

65 Market Street

Sydney.

IN THE HIGH COURT OF AUSTRALIA
NEW SOUTH WALES REGISTRY

On appeal from the Supreme Court of
New South Wales

BETWEEN JAMES MACINTOSH and JOHN MACINTOSH
the Younger (Plaintiffs) APPELLANTS
AND

MARY BRADFORD DUN, ROBERT DUN DOUGH-
LAS, FRANCIS LEWIS MINTON and WALTER
DUNCAN BUCHANAN (Defendants)

RESPONDENTS

Let the abovenamed Respondents their Solicitor or Agent attend before the Justice sitting in Chambers at the Courthouse at Darlinghurst Sydney on Monday the thirtieth day of July instant at Ten of the clock in the forenoon or so soon thereafter as the course of business will permit to shew cause why the Taxing Officer should not be directed to review the taxation of the Bill of Costs of the Respondents which has been duly taxed under the Order of the Seventh day of May One thousand nine hundred and six by striking out the several items in the list of objections annexed to the affidavit hereinafter mentioned and why the Respondents should not be ordered to repay to the Appellants such sum as shall be found on such review to have been overpaid and why such further or other Order as to costs and otherwise should not be made as to this Honorable Court shall seem meet upon the grounds and for the reasons appearing in and by the affidavit of Elliott Meyer sworn the second day of July One thousand nine hundred and six with various grounds of objection to the said taxation annexed thereto filed herein and upon such and other grounds and reasons as may be adduced at the hearing hereof. Dated this third day of July 1906.

For the District Registrar

(sgd) L.M. Addison

Chief Clerk (L.S.)

This Summons was taken out by Elliott Meyer of No. 65 Market Street Sydney Solicitor for the abovenamed Appellants the Applicants herein.

IN THE HIGH COURT OF AUSTRALIA

NEW SOUTH WALES REGISTRY

ON APPEAL from the Supreme Court of New
South Wales

B E T W E E N MARY BRADFORD DUN ROBERT DUN
 DOUGLASS FRANCIS LEWIS MINTON and
 WALTER DUNCAN BUCHANAN

(Defendants)

APPELLANTS

and

JAMES MACINTOSH and JOHN MACINTOSH
the Younger

(Plaintiffs)

RESPONDENTS

The Seventh day of May One thousand nine
hundred and six

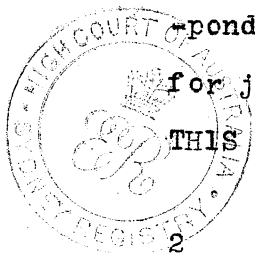
WHEREAS the Respondents on the thirteenth day of April
One thousand nine hundred and four commenced an action in
the Supreme Court of New South Wales against the Appell-
-ants to recover TEN thousand pounds damages for the
publication by the Appellants of certain alleged libels
AND WHEREAS the said action was tried before His Honor
Mr. Justice Cohen and a jury of twelve persons on the
twelfth, thirteenth, fourteenth, fifteenth, sixteenth,
nineteenth, twentieth, twenty-first, twenty-second,
twenty-third, twenty-sixth, twenty-seventh and twenty-eight
days of June One thousand nine hundred and five on which
last mentioned day a verdict was found for the said
Respondents for Eight hundred pounds with certain special
findings AND WHEREAS the said Appellants on the twenty-
-fifth day of July One thousand nine hundred and five



obtained in the said Supreme Court a Rule calling on the Respondents to shew cause why the said verdict should not be set aside and a non-suit or a verdict for the said Appellants entered or a new trial of the said action had between the parties AND WHEREAS the said Rule came on for argument before the said Court on the thirtieth day of October and the first, second and third days of November one thousand nine hundred and five AND the said Court ordered that the said matter should stand for judgment AND WHEREAS on the eighth day of December One thousand nine hundred and five the said Court delivered judgment and ordered that the said Rule should be made absolute with costs and that the verdict entered for the Respondents be set aside and a new trial had between the parties and that the costs of the previous trial should abide the event of the said new trial AND WHEREAS the Appellants on the fourteenth day of December One thousand nine hundred and five applied to this Court for and obtained leave to appeal to this Court from that part of the judgment and order of the said Supreme Court whereby it was ordered that a new trial be had between the parties AND the appeal coming on to be heard on the twenty-sixth, twenty-seventh and thirtieth days of April and on the first and second days of May instant WHEREUPON AND UPON READING the certified copy of documents transmitted from the Prothonotary of the said Supreme Court to the New South Wales Registry of this Court AND UPON HEARING Mr. Gordon of King's Counsel (with whom was Mr Blacket) of Counsel for the Appellants and Mr. Bruce Smith of King's Counsel (with whom were Mr Shand of King's Counsel and Mr. Campbell) of Counsel for the Res-

pondents this COURT DID ORDER that this matter should stand for judgment and the same standing for judgment this day

THIS COURT DOTH ORDER that this appeal be and the same



is hereby allowed with costs And that the judgment and order of the supreme court whereby it was ordered that a new trial be had between the parties be reversed and a verdict in the said action be entered for the Appellants the defendants in the said action AND IT IS FURTHER ORDERED that the costs of the ~~New~~ trial had before His Honor Mr. Justice Cohen and the costs of and incidental to the proceedings in the said supreme Court for the said Rule Nisi and Rule Absolute be paid by the Respondents to the Appellants or to Messieurs Norton Smith and Company their solicitors AND THIS COURT DOTH FURTHER ORDER that it be referred to the proper officer of this Court to tax the costs of the Appellants of and incidental to this Appeal and that such costs when taxed and certified be paid by the Respondents to the Appellants or to Messieurs Norton Smith and Company their Solicitors AND THIS COURT DOTH DECLARE that the sum of Fifty pounds deposited in the said Supreme Court as security for the costs of this Appeal should be paid out of Court to the Appellants or to their said solicitors

Lord

By the Court

Arthur G. Saddington

Deputy Registrar



00106
IN THE HIGH COURT OF AUSTRALIA
NEW SOUTH WALES REGISTRY

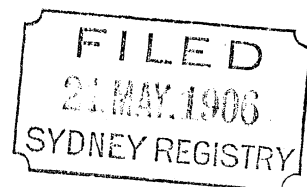
D U N and Others

v.

MACINTOSH & Anor.

Duplicate

ORDER OF THE HIGH COURT ON APPEAL



Norton, Smith & Co.