## IN THE PRIVY COUNCIL



ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES COURT OF APPEAL - IN CAUSE NO. 22 OF 1969

BETWEEN:

ALEXANDER BARTON

Plaintiff (Appellant)

AND:

ALEXANDER EWAN ARMSTRONG

GEORGE ARMSTRONG & SON PTY. LIMITED

FINLAYSIDE PTY: LIMITED

SOUTHERN TABLELANDS FINANCE CO. PTY. LTD.

GOULBURN ACCEPTANCE PTY. LIMITED

A.E. ARMSTRONG PTY. LIMITED

LANDMARK (QUEENSLAND) PTY. LIMITED (In

Liquidation )

PARADISE WATERS (SALES) PTY. LIMITED

PARADISE WATERS LIMITED

GOONDOO PTY, LIMITED LANDMARK HOME UNITS PTY, LIMITED LANDMARK FINANCE PTY. LIMITED

LANDMARK HOUSING & DEVELOPMENT PTY. LTD.

LANDMARK CORPORATION LIMITED

CLARE BARTON TERRENCE BARTON

AGOSTON GONCZE JOHN OSBORNE BOVIL

HOME HOLDINGS PTY. LIMITED

ALLEBART PTY. LIMITED

ALLEBART INVESTMENTS PTY. LIMITED

Defendants (Respondents)

## INDEX OF REFERENCE

## SOLICITORS FOR THE APPELLANTS (1st to 6th Defendants)

Dare, Reed, Martin & Grant, 187 Macquarie Street, SYDNEY.

## SOLICITORS FOR THE APPELLANT (Plaintiff)

McCaw, Johnson & Co., 60 Pitt Street, SYDNEY.

#### SOLICITORS FOR THE RESPONDENTS (15th to 21st Defendants)

McCaw, Johnson & Co., 60 Pitt Street. SYDNEY.

#### SOLICITORS FOR THE RESPONDENTS (1st to 6th Defendants)

Dare, Reed, Martin & Grant, 187 Macquarie Street, SYDNEY.

## SOLICITORS FOR THE RESPONDENTS (7th, 9th, 10th & 13th Defendants)

Francis White, Barnes & McGuire. 149 Castlereagh Street, SYDNEY.

#### SOLICITORS FOR THE RESPONDENT (14th Defendant)

Dawson, Waldron, 44 Martin Place, SYDNEY.

## IN THE PRIVY COUNCIL

# ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES

COURT OF APPEAL - IN CAUSE NO. 22 OF 1969

BETWEEN:

ALEXANDER BARTON

Plaintiff (Appellant)

AND:

ALEXANDER EWAN ARMSTRONG

GEORGE ARMSTRONG & SON PTY. LIMITED

FINLAYSIDE PTY. LIMITED SOUTHERN TABLELANDS FINANCE CO. PTY. LTD.

GOULBURN ACCEPTANCE PTY. LIMITED

A.E. ARMSTRONG PTY. LIMITED

LANDMARK (QUEENSLAND) PTY. LIMITED (In

Liquidation)

PARADISE WATERS (SALES) PTY. LIMITED

PARADISE WATERS LIMITED GOONDOO PTY. LIMITED

LANDMARK HOME UNITS PTY. LIMITED

LANDMARK FINANCE PTY. LIMITED

LANDMARK HOUSING & DEVELOPMENT PTY. LTD.

LANDMARK CORPORATION LIMITED

CLARE BARTON TERRENCE BARTON AGOSTON GONCZE

JOHN OSBORNE BOVILL

HOME HOLDINGS PTY. LIMITED

ALLEBART PTY. LIMITED
ALLEBART INVESTMENTS PTY. LIMITED

Defendants (Respondents)

## INDEX OF REFERENCE

#### SOLICITORS FOR THE APPELLANTS (1st to 6th Defendants)

Dare, Reed, Martin & Grant, 187 Macquarie Street. SYDNEY.

#### SOLICITORS FOR THE APPELLANT (Plaintiff)

McCaw, Johnson & Co., 60 Pitt Street. SYDNEY.

#### SOLICITORS FOR THE RESPONDENTS (15th to 21st Defendants)

McCaw, Johnson & Co., 60 Pitt Street. SYDNEY.

## SOLICITORS FOR THE RESPONDENTS (lst to 6th Defendants) Dare, Reed, Martin & Grant, 187 Macquarie Street,

SYDNEY.

## SOLICITORS FOR THE RESPONDENTS (7th, 9th, 10th & 13th Defendants)

Francis White, Barnes & McGuire, 149 Castlereagh Street, SYDNEY.

#### SOLICITORS FOR THE RESPONDENT (14th Defendant)

Dawson, Waldron, 44 Martin Place. SYDNEY.

## IN THE PRIVY COUNCIL

## ON APPEAL FROM THE SUPREME COURT OF NEW SOUTH WALES COURT OF APPEAL - IN CAUSE NO. 22 of 1969

BETWEEN: ALEXANDER BARTON

Plaintiff (Appellant)

AND:

ALEXANDER EWAN ARMSTRONG

GEORGE ARMSTRONG & SON PTY. LIMITED

FINLAYSIDE PTY. LIMITED

SOUTHERN TABLELANDS FINANCE CO. PTY. LTD.

GOULBURN ACCEPTANCE PTY. LIMITED

A.E. ARMSTRONG PTY. LIMITED

LANDMARK (QUEENSLAND) PTY. LIMITED (In

Liquidation)

PARADISE WATERS (SALES) PTY. LIMITED

PARADISE WATERS LIMITED

GOONDOO PTY. LIMITED
LANDMARK HOME UNITS PTY. LIMITED

LANDMARK FINANCE PTY. LIMITED

LANDMARK HOUSING & DEVELOPMENT PTY. LTD. LANDMARK CORPORATION LIMITED

CLARE BARTON TERRENCE BARTON

AGOSTON GONCZE

JOHN OSBORNE BOVILL HOME HOLDINGS PTY. LIMITED

ALLEBART PTY. LIMITED
ALLEBART INVESTMENTS PTY. LIMITED

Defendants (Respondents)

# INDEX

#### DOCUMENTS INCLUDED IN THE RECORD

No.	Description of Document	Date		Page
	VOLUME 1 — APPEAL BOOK,	VOLUME 1		
1.	Statement of Claim	9th February,	1968	1
2.	Statement of Defence of the First-named Defendant	15th February, (Re—sworn 26/7,		1(k)
3.	Statement of Defence of the Second—named Defendant	10th May,	1968	2(a)
4.	Statement of Defence of the third named Defendant			2(w)
5.	Statement of Defence of the Fourth—named Defendant			3 <b>(</b> q)
6.	Statement of Defence of the Fifth—named Defendant			4(m)
7.	Statement of Defence of the Sixth—named Defendant			5 <b>(</b> f)

No.	Description of Document Dat	te Page
	Volume 1 - continued	
8.	Replication to the first- named Defendant	6
9.	Replication to the second- named Defendant	6 <b>(</b> b)
10.	Replication to the third- named Defendant	6(e)
11.	Replication to the fourth- named Defendant	6(f)
12.	Replication to the fifth— named Defendant	6(i)
13.	Replication to the sixth— named Defendant	6(k)
14.	Transcript of Oral Evidence of the following witnesses given before his Honour Mr. Justice Street	
	CASE FOR THE PLAINTIFF	
	VOJINOVIC - Alexander  Examined	10
	BARTON - Alexander	<b>4</b> 0
	Examined Recalled, Examined Recalled, Examined Cross—Examined Cross—Examined Cross—Examination continued	11 34 52 88 97
	HUME - Frederick	
	Examined on Voir dire	28
	MANSER - Trevor William	
	Examined	51
	GRANT - Robert Ian	
	Examined	85
	ANDERSON - Ian Barry  Examined	00
		96 ME 2
	VOLUME 2 - APPEAL BOOK, VOLU	IVIC 2
	EARTON - Alexander  Cross-Examination continued Cross-Examination continued Cross-Examination continued Re-Examined Recalled, Further Examined Further Cross-Examined Re-Examined	248 278 413 414 537 542 561

No. Description of Document	Date	Page
Volume 2 - continued		
BLUNDELL - Alfred		
Examined		277
VOJINOVIC - Alexander		
Examined Cross-Examined on Void Cross-Examination Re-Examined Re-Examination continu		327 328 357 403 414
BOVILL - John Osborne		
Examined Cross-Examined Re-Examined		424 438 525
ANDERSON - Ian Barry		
Examined Cross-Examined Re-Examined		526 528 535
VOLUME 3 - API	PEAL BOOK, VOLUME 3	
SMITH - Bruce Henry		
Examined Cross-Examined Re-Examined		568 629 639
GRANT - Robert Ian		
Examined Cross-Examined		642 681
LENDRUM - Richard Edward		
Examined Cross—Examined		691 710
WILD - Maurice James		
Examined Cross—Examined Recalled, Cross—Exami Re—Examined	ned	712 730 760 814
MURDOCH - Keith		
Examined on Voir Dire	ł	756
FOLLINGTON - Albert Geor Examined Cross-Examined Re-Examined	ge	817 868 953
ARMSTRONG - Alexander Ew Examined	van	954

No. Description of Do	cument	Date	Page
VOL	UME 4 - APPEAL	BOOK, VOLUME 4	
CASE FOR THE 1ST	NAMED DEFENDAN	<u>T</u>	
ARMSTRONG - Al	.exander Ewan		
Examined Cross—Exami	.ned		964 977
VOL	UME 5 - APPEAL	BOOK, VOLUME 5	
ARMSTRONG - Al	exander Ewan		
Cross-Exami Re-Examined			1344 1366
MILES - Thomas	Noel		
Examined Cross—Exami Re—Examined Further Cro			1379 1382 1382 1382
<u> AOSEWELL</u> – Dor	othy Ellen		
Examined Cross—Exami Re—Examined			1383 1393 1441
MURRAY - John	Eric		
Examined Cross—Exami Re—Examined			1441 1452 1464
<u>CATT</u> - Annette	Veronica		
Examined Cross—Exami Re—Examined			1465 1469 1553
PRATTEN - Anth	ony John		
Examined Cross—Exami Re—Examined			1553 1558 1571
CATT - Mary Ve	rena		
Examined Cross-Exami Re-Examined			1572 1576 1584
HUME - Frederi	ck		
Examined Cross—Exami	ned		1585 1624
VOL	UME 6 - APPEAL	BOOK, VOLUME 6	
ANDERSON - Ian	Barry		
Examined on Examined on Examined on		s Tecum	1737 1843 1882

Vo.	Description of Document	Date		Page
	Volume 6 - continued		X	
	HUME - Frederick			
	Cross-Examined (Continued) Recalled, Cross-Examined Recalled, Cross-Examined			1718 1840 1855
	Cross—Examined Cross—Examined Re—Examined			1885 1960 1985
	GREEN - Evan Clifford Simons			3,000
	Examined Cross—Examined			1907 19 <b>1</b> 2
	LENDRUM - Richard Edward			
	Cross—Examined Re—Examined			1914 1951
	ZIRIC - Michael			
	Examined on Voir Dire			1959
	GIBBONS - Michael Joseph  Examined			1985
	Cross-Examined Re-Examined			1989
	VOLUME 7 - APPEAL BOOK,	VOLUME 7		
5.	EXHIBITS			
	Plaintiff's Exhibits			
	"A" - Minutes of 24th October, 1966	24th October,	1966	2055
	"B" - Business Names documents re Hume's Investigations			2057
	"C" - Minutes of 24th November, 1966 including letter	23rd November,	<b>1</b> 966	2067
	"D" - Document bearing date 8th January, 1967 (6 sheets)	8th January,	1968	2070
	"E" - Letter and enclosure and letter	4th November, 9th November,	1966 1966	2078
	"F" - Wentworth Hotel Accounts	11th January, 19th January,	1967 1967	2081
	"G" - Smith's Sport Store Account	11th January,	1967	2091
	"H" - Deed	17th January,	1967	2092
	"J" — Six (6) Deeds of Guarantee	13th January,	1967	2138
	"K" - Stock Exchange Prices			2199
	"L" - Exercise of Option	14th March,	1967	3258 Vol. 1

Index "E"

No.	Description of Document	Date		Page
	Volume 7 - continued	The second secon		
	"M" - Folder containing U.D.C. correspondence January 1967 letters 13.1.67 and 19.1.67		1967	2205
	"N" - Copy Order to Australian Watching Co. for service to start including service instructions	24th January,	1966	2210
	"O" - Criminal record of Alexander Vojinovic			2211
	"p" - Newspaper clipping	1st December,	1966	2213
	"Q" - Manilla Folder (m.f.i. 5) (not reproduced)			
	"R" - Sketch			2214
	"S" - Account	2nd August,	1966	2215
	"T" - Counterpart of Deed (m.f.i. 18)			2216
	"U" - Three (3) sheets of R.I. Grant's notes prepared week beginning	9th January,	1967	2338
	"V" - Report by Detective Follington	6th February,	1968	2341
	"W" - Card with 1st Defendant's handwriting on it			2344
	"X" - Five (5) photographs of Mr. Murray's house			2346
	"Y" - Account from Hume's Investi- gations and cheque for \$1094.30 (m.f.i. 4)	21st November,	1968	2351
	"Z" - Circular	23rd November.		2354
	"AA" - 1st Defendant's 1967 diary omitting masked entries	,		2356
	"BB" - Telephone account and other documents			2364
	"CC" - Copy account, bank deposit slip and copy receipt			2366
	"DD" - Chéque butt \$333.00			2368
	"EE" - Invoice from Mick Simmons Limited	8th August,	1967	2369
	"FF" - Invoice for tape recorder	14th December,	1966	2370
	"GG" - Two (2) Certificates of registered ownership			2371

	N-1444MARShimper-Asistage electricisticalescondistratesconcerumino approximantes		
. Description of Document	Date		Page
Volume 7 - continued			
"HH" - Receipt for Holden	6th October,	1967	2373
"JJ" - Envelope marked 14th week including contents			2374
"KK" - Envelope marked 15th week including contents			2383
"LL" - Affidavit of F. Hume	10th February,	1968	2387
"MM" - Record of Interview F. Hume	5th February,	1968	2394
"NN" - Report from Hume's Investiga- tions, omitting all except to half of first page		1967	2400
"00" - Reports from Hume's Investi- gations, omitting all except half of first page of each report	top 8th June,	1967	2402
"PP" — Report of Divorce Raid from Hume's Investigations, omitting all except top half of first page	8th June,	1967	2404
"QQ" - Two (2) Letters, one undated, the other	9th December,	1967	2405
"RR" - Cheque requisition part m.f.i. 80			2407
"SS" - Two (2) documents - M. Kilmartin (m.f.i. 55)			2408
"TT" - Copy newspaper article (m.f.i. 41)			2410
"UU" - Notes of 1st Defendant (m.f.i. 37) - paragraph 9 to be masked			2412
"VV" - Letter from P.M.G.	20th December,	1966	2413
"WW" - Transcript of Proceedings before Dovey, J title page 1 and pages 8 and 8 (m.f.i. 4	2)		2414
"XX" - Section 12 Certificate - Falcon EBD 703			2417
Defendant's Exhibits			
1 - Interrogatories administered to Plaintiff and answers			2418
2 <b>-</b> Photograph			2429
→ -9			

) .	Description of Document	Date		Page
	Volume 7 - continued			
	<pre>3 - Letters and documents     May/June, 1966 (not including     red pencil additions)</pre>			2430
	4 - Minutes 8th July, 1966			243B
	5 - Statement	18th October,	1966	2442
	6 - Minutes 8th November, 1966 and Notes re annual accounts immediately following			2445
	7 - Letters (U.D.C.) with respective enclosures	13th December, 13th December, 16th December, 16th December, 28th December,	1966 1966 1966 1966 1966	2449 2450 2455 2456 2458
	8 - Letters with enclosures	7th March,	1967	2459
	9 - Paragraphs l-15 of Affidavit of A. Barton sworn 31st March, 1967 in No. 298 of 1967	31st March,	1967	2461
	10 - Paragraphs 1-15 of Affidavit of A. Barton sworn 11th April, 1967 in Term No. 127 of 1967	llth April,	1967	2466
	ll — Terms of Settlement in No. 298 and Term No. 127 of 1967			2471
	12 - Minutes 22nd December, 1966			2475
	l3 <b>–</b> Letter from Kratzman Holdings Limited	14th November,	1966	<b>247</b> 7
	14 <b>–</b> Stock Exchange Letters	16th December, 20th December,	1966 1966	2479 2480
	15 <b>-</b> Stock Exchange Letters	24th January, 25th January,	1967 1967	2481 2482
•	16 <b>–</b> Stock Exchange Letters	13th February, 3rd March,	1967 1967	2483 2484
	- Minute	3rd March,	1967	2485
	VOLUME 8 - APPEAL BOOK,	VOLUME 8		
•	17 - Minutes	10th February,	1967	2486
J	l8 — Copy letter Bank of New South Wales (in Minute Book)	28th April,	1967	2487
3	L9 — Letter to Bank of New South Wales	9th May,	1967	2493
2	20 — Letter to Bank of New South Wales	23rd December, Index "H"	1966	2494

No.	Description of Document	Date		Page
	Volume 8 - continued			
	21 — Letter to Bank of New South Wales	16th December,	1966	2495
	22 - Minutes Paradise Waters Limited	13th December,	1966	2496
	23 - Letter re B.H. Smith	12th December,	1966	249 <b>7</b>
	24 - Affidavit of A. Barton sworn 9th June, 1967 in No. 650 of 1967	9th June,	1967	2498
	25 - Affidavit of A. Barton sworn 22nd June, 1967 in No. 650 of 1967	22nd June,	1967	2509
	26 - Documents containing proposal re scheme			2513
	27 - Document (m.f.i. 7)	24th October,	1966	2514
	28 - Message to shareholders	22nd November,	1966	2515
	29 - Typescript dictated by Plaintiff to his son			<b>251</b> 8
	30 - Six (6) Deeds (m.f.i. 18-22 inclusive) and Memorandum of Mortgage Goondoo Pty. Limited to Paradise Waters Limited and Bill of Mortgage			2522
	31 - Request and receipt for loan of \$300,000			2648
	32 - Statutory Declaration	18th January,	1967	2650
	33 - Two (2) Letters	9th December,	1966	2718
	34 - Letter	12th December,	1966	2720
	35 - Instructions to B.H. Smith			2721
	36 - Record of Negotiation	14th December,	1966	2722
	37 - Copy record of Negotiation	14th December,	1966	2724
	38 - Documents brought by plaintiff to B.H. Smith	16th December,	1966	2725
	39 - Document written by B.H. Smith	16th December,	1966	2728
	40 - Document written by 8.H. Smith	19th December,	1966	2729
	41 - Document written by B.H. Smith	21st December,	1966	2730
	42 - Document written by B.H. Smith	3rd January,	1967	2731
	43 - Document written by B.H. Smith	4th January,	1967	2732

No.	Description of Document	Date	<u> </u>	Page
	Volume 8 - continued			
	44 - Notes of meeting B.H. Smith			
	and Honey (m.f.i. 25)	19th December,	1966	2735
	45 - Letters	10th November,	1966	2736
		10th November,	1966	2738
		14th November,	1966	2739
		14th November,	1966	2740
		14th November,	1966	2741
		14th November,	1966	2742
	<ul> <li>Originating Summons, Amended</li> <li>Originating Summons and</li> </ul>			
	Letters	17th November,	1966	2744
		18th November,	1966	2747
	- Decretal Order			2756
	46 - Letters	21st November,	1966	2761
		21st November,	1966	2762
		21st November.	1966	2763
		25th November,	1966	2764
	47 - Telegram with date stamp	27th November,	1966	2766
	48 - Letters	7th December,	1966	2767
	_	12th December,	1966	2769
	- Draft Deed, Letters			2771
	- Letters	13th December,	1966	<b>277</b> 3
		13th December,	1966	2774
		13th December,	1966	2775
	- Two copies notes	14th December, 16th December,	1966	2776
	- Letter	15th December,	1966 1966	2781 2783
	49 Copy pates		<b>.</b>	
	49 - Copy notes - Solicitor's diary notes	13th December,	1966	2784
	- Copy notes	14th December,	1966	2785
	- Notes of R. I. Grant	14th December, 14th December.	1966 1966	2 <b>7</b> 86 2787
		15th December.	1966	2788
	- Two copies notes	19th December,	1966	2789
	<ul><li>further notes</li></ul>	19th December,	1966	2794
	- Notes R.I. Grant	21st December,	1966	2798
	- Two pages notes R.I. Grant	22nd December,	1966	2800
	50A - Notes (5 pages)	4th January,	1967	2804
	508 - Diary notes A.I. Grant	4th January,	1967	2807
	50C - Letter	6th January,	1967	2808
	50D - Letter	6th January,	1967	2809
	50E - Draft Deed	,		2810
	50F - Diary notes R.I. Grant			2848
	50G - Diary notes R.I. Grant			2852
	50H - Diary notes R.I. Grant	12th January,	<b>1</b> 96 <b>7</b>	2853

12th Jan 13th Jan 16th Jan 17th Jan 17th Jan 17th Jan 18th Jan 18th Jan	nuary, nuary, nuary, nuary, nuary,	1967 1967 1967 1967 1967 1967	2854 2861 2862 2864 2867 2868 2869
13th Jan 16th Jan 17th Jan 17th Jan 17th Jan 17th Jan 18th Jan	nuary, nuary, nuary, nuary, nuary,	1967 1967 1967 1967 1967	2861 2862 2864 2867 2868 2869
13th Jan 16th Jan 17th Jan 17th Jan 17th Jan 17th Jan 18th Jan	nuary, nuary, nuary, nuary, nuary,	1967 1967 1967 1967 1967	2861 2862 2864 2867 2869
16th Jan 17th Jan 17th Jan 17th Jan 17th Jan 18th Jan	nuary, nuary, nuary, nuary,	1967 1967 1967 1967	2862 2864 2867 2868 2869
17th Jan 17th Jan 17th Jan 17th Jan 18th Jan	uary, uary, uary,	1967 1967 1967	2864 2867 2868 2869
17th Jan 17th Jan 17th Jan 18th Jan	uary, uary,	1967 1967	2867 2868 2869
17th Jan 17th Jan 18th Jan	wary,	1967 1967	2868 2869
17th Jan 18th Jan	uary,	1967	2869
18th Jan			
	uary,	1967	
18th Jan			2872
	uary,	1967	28 <b>7</b> 3
			2874
, VOLUME 9			
			2879
			2892
th—llth Jan 18th Jan	uary, uary,	1967 1967 1967 1967	2903 2904 2905 2905
			2906
			2907
16th Jun	e,	1966 1966 1966	2908 2910 2912
7th Nov	ember,	1966 1966	2194 2915 291 <i>6</i>
		1966	2920
	•	1966	2925
	•		2928 2932
19th Jan	uary,	1967	2936 2937
	- •		
14th Apr	il,	1967 1967	2938 2943
•	•	T36.	2944
	8th Jan th-11th Jan 18th Jan 18th Jan 3rd Nov  6th Jun 16th Sep 28th Oct 7th Nov 8th Nov 14th Nov 17th Nov 30th Nov 18th Jan 19th Jan 18th Feb 17th Feb 14th Apr 16th May	8th January, th-11th January, 18th January, 3rd November, 6th June, 16th June,	8th January, 1967 th-11th January, 1967 18th January, 1967 3rd November, 1966 16th June, 1966 16th September, 1966 28th October, 1966 7th November, 1966 8th November, 1966 14th November, 1966 17th November, 1966 17th November, 1966 17th November, 1966 18th January, 1967 19th January, 1967 19th January, 1967 18th February, 1967 18th February, 1967 17th February, 1967 17th February, 1967 14th April, 1967 16th May, 1967

No.	Description of Document	Date		× 1	Page
•	Volume 9 - continued				
	<ul> <li>56 — and Annexure "Managing Director's Report"</li> <li>— Letter</li> <li>— Summary of Assets and Liabilities</li> <li>— Document headed "Allebart</li> </ul>		April,	1967	2946 2949 2950
	Investments" - Minutes - And Annexure "Report of	llth O	otober,	1967	2953 2954
	Managing Director"  - Annexure to Minute	11th O 8th J	ctober, uly,	1967 1966	2955 2956
	57 — Minutes of Paradise Waters Limited	lst N 8th N	eptember, lovember, lovember, anuary,	1966 1966 1966 1967	2958 2959 2960 2961
	58 - Minutes of Paradise Waters (Sales) Pty. Limited	15th No 24th No 7th D	uly, ovember, ovember, ovember, ecember,	1966 1966 1966 1966 1966	2963 2964 2965 2966 2968 2969
	- (Extraordinary General Meeting)		ecember, anuary, pril,	1966 1967 1967	2971 2972 2974
	59 - Plaintiff's cheque butts Nos. 22313 and 22314				2975
	60 - Documents extracted from Matrimonial Causes Jurisdiction File No. 1907 of 1962				29 <b>7</b> 6
	61 - Documents m.f.i. 38 & 39 plus seven (7) pages transcript				3009
	62 - Subpoena duces tecum	12th Ap	oril,	1967	3018
	63 - Documents m.f.i. 32, 33, 34, 35, 44, 45, 48				3019
	64 - Documents in 1st Defendant's handwriting being some of the documents produced on Exhibit 65	•			3030
	65 - Subpoena (m.f.i. 58)				3036
	66 - Letter to C.M. Alders	8th Se	eptember,	1958	3037
	67 - Document listing responsibilities and duties (m.f.i. 54)				3039
	68 - Document initialled by Mr. Corne (m.f.i. 54)				3044

Vo.	Description of Document	Date		Page
	Volume 9 - continued			
	69 - Memorandum of fees (m.f.i. 40)			3048
	70 - Three (3) recent photographs of Mr. Murray's ski shack			3049
	71 - Nineteen (19) photographs on sheets numbered by witness			3052
	72 - Birth Certificate and Education Certificate of F. Hume			3057
	73 - Copy Deed Poll changing name			3060
	74 - Two (2) signatures of F. Hume and address in Guest Register Commodore Hotel-Motel, Jindabyne			3062
	75 - Copy Article in "The Australian" 12th November, 1966			3064
	76 - Relevant parts of Mr. Hume's Cashbook and (1) cheque butt pinned to			
	<ul><li>(1) cheque butt pinned to</li><li>33rd week page;</li><li>(2) cheque butt pinned to</li></ul>			3066
	35th week page; (3) cheque butt 992528 pinned			3067
	to 25th week page; (4) cheque butt 879220 and de- posit slip 4th May, 1967			<b>30</b> 68
	pinned to 45th week page			3069
	77 - Four (4) colour slides (m.f.i. 60) not reproduced			
	78 - Ledger Sheet, Commonwealth Trading Bank, King's Cross A/c Hume's Investigations			3070
	79 - Vouchers in envelope, 5th week 1966/67	25th July, 31st July,	1966 1966	3075
	80 - Address of M.J. Gibbons (not reproduced)			
	81 - Cheque for \$500 Pacific Panorama (m.f.i. 3)			3079
	82 - Draft Deed (part Exhibit 50) see page 2810 Volume 8			
	83 - Chevron Hotel record card (m.f.i. 70)			3080
	84 - Chevron Hotel record card (m.f.i. 69)			3084
	85 — Questions and answers F.C. Bayley relating to his affidavit			3088
		Index "N"		

No.	Description of Document	Date		Page
	Volume 9 - continued			
	86 - Instructions to H.R. Marks (m.f.i. 17)	15th November,	1966	3091
	87 - Letter from Lorton Duke & Co. to Adrian Twigg & Co.	6th November,	1962	3092
16.	Notice of Motion	20th June,	1968	3094
17.	Judgment of his Honour Mr. Justice Street	19th December,	1968	3097
18.	Judgment of his Honour Mr. Justice Street on Notice of Motion	31st October,	1969	3224
19.	Decree	19th December,	1968	3241
20.	Notice of Appeal by Mr. Armstrong			3244
21.	Decree	19th December,	1968	3247
22.	Notice of Appeal by Mr. Barton	15th January,	1969	3252
	VOLUME 10			
	Document Omitted from Appeal Book			
23.	Plaintiff's Exhibit "L" _ Exercise of Option	14th March,	1967	3258
	Documents not Printed in Appeal Boo being Subsequent to Institution of	ks, Appeal		
24.	Transcript of argument and hearing before the New South Wales Court of Appeal	9th, 22nd, 23rd 24th, 25th and 26th February,	d <b>,</b> 1971	3259
		and 1st March,	1971	
	VOLUME 11			
	Transcript of argument (Continued)	2nd, 3rd, 4th, 5th, 8th, 9th, a 10th March,		3565
	VOLUME 12			
	Transcript of argument (Continued)	llth, 12th, 15th 16th March,	and 1971	38 <b>7</b> 9
25.	Judgment - Court of Appeal	30th June,	1971	4052
26.	Reasons for Judgment of their Honours			
	Jacobs, J.A. Mason, J.A. Taylor, A—J.A.	30th June,	1971 1971 1971	4053 4132 4210
27.	Rule of the Court of Appeal Granting Final Leave to Appeal to Her Majesty in Council	13th December, Index "O"	1971	4259

## Documents not Included in the Record

- 28. Certificate of the Registrar of Court of Appeal of New South Wales certifying the transcript record
- 29. Notice of Motion seeking conditional Leave to Appeal to Privy Council 2nd July, 1971
- 30. Affidavit of Peter JAY in support of Notice of Motion 2nd July, 1971
- 31. Rule granting conditional Leave to Appeal 27th July, 1971
- 32. Registrar's Certificate of Compliance