

*Judgment of the Lords of the Judicial Committee  
of the Privy Council on the Appeal of  
John Norton v. Allan Arthur Taylor, from  
the Supreme Court of New South Wales;  
delivered the 10th April 1906.*

---

Present :

THE LORD CHANCELLOR.

LORD DAVEY.

LORD DUNEDIN.

LORD ATKINSON.

SIR ARTHUR WILSON.

[*Delivered by the Lord Chancellor.*]

Their Lordships have come to the conclusion that this Appeal cannot succeed. There are many ways in which a person holding a civic office might be brought within the Act 2 Edw. VII., No. 35, as for instance if he had a share in the original contract; or if he were employed by way of sub-contract to execute the original contract or part of it. Or it might be perceived by the Court that an arrangement had been made under which he was to be the person to supply the materials for the original contract. In those cases, whether it was done directly or indirectly, he might be liable, and no device to conceal the real nature of the transaction would prevail. But their Lordships do not think that he is liable merely for supplying materials to the contractor who chooses to buy them from him without any sort of understanding or arrangement that he should do so. Courts of Justice in such cases would be vigilant to observe evidence of any concert to enable a civic officer to derive benefit from a contract. But in the present case there is no proof to show the liability of the Respondent.

In these circumstances their Lordships will humbly advise His Majesty to dismiss this Appeal. The Appellant will pay the costs of it.

