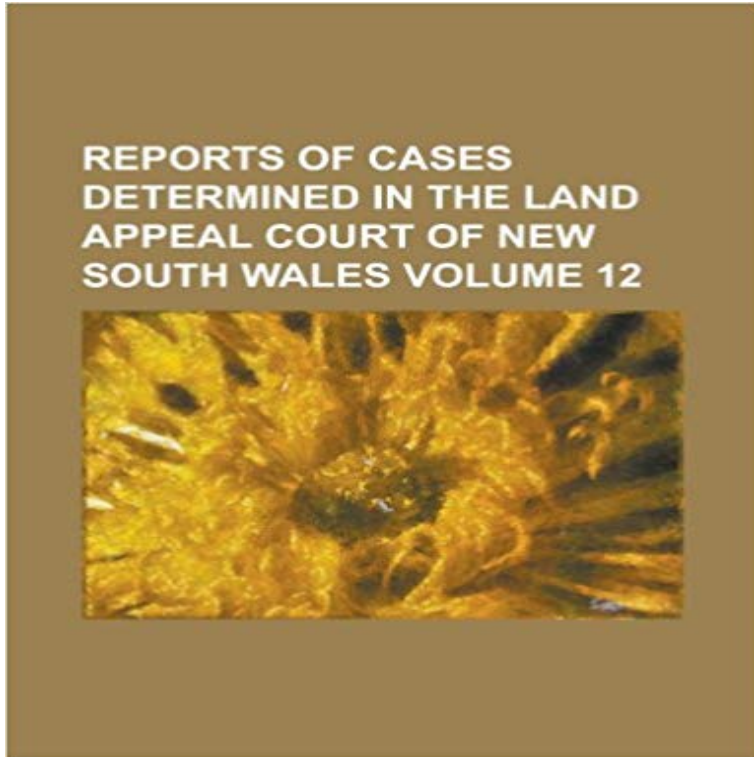


Reports of Cases Determined in the Land Appeal Court of New South Wales Volume 12



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1903 edition. Excerpt: ...dismissed the caveat, and on the following day they confirmed Thompsons application, after refusing to admit Timmins as a party at the hearing, On 26th June Timmins appealed against the dismissal of his caveat, but the Land Appeal Court dismissed the appeal upon an objection taken by Thompsons counsel that no caveat lies against a settlement lease application. On the following day Timminss appeal against the confirmation of Thompsons application was heard, the grounds being--(1) that the board should not have confirmed the application; (2) that the board was in error in refusing to allow respondent Timmins to appear as a party to the application. The notice of appeal was signed Viilliam Timmins, by his agent, H. M. L. Pike, Moree, and counsel for Thompson took the preliminary objection that the notice of appeal was not signed by the party appealing, and that there was no evidence before the Court that Pike was authorised to sign the said notice of appeal as agent for the respondent. Counsel for Timmins then tendered the evidence of S. L. Cohen, who had only arrived that day, and the objection taken to the evidence being overruled, Cohen gave evidence, upon which the Land Appeal Court held that the authority of H. M. L. Pike to sign the notice on behalf of Timmins had been sufficiently established. The Court afterwards upheld with costs the appeal against the Land Boards confirmation of Thompsons application, on the ground that the local board should have heard Timmins as a party in the hearing of the application for confirmation, and they remitted the matter to the board for a rehearing, both parties and their witnesses to be heard if

they so desired. Against the Land Appeal...

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