

[HIGH COURT OF AUSTRALIA.]

CRAINE APPELLANT;
 PLAINTIFF,

AND

SODEN RESPONDENT.
 DEFENDANT,

ON APPEAL FROM THE SUPREME COURT OF
 VICTORIA.

H. C. OF A.
 1916.

Negligence—Evidence—Nonsuit.

Decision of the Supreme Court of Victoria reversed on the facts.

MELBOURNE,

March 14. APPEAL from the Supreme Court of Victoria.

Griffith C.J.,
 Barton,
 Isaacs and
 Rich JJ.

An action was brought in the Supreme Court by William Henry Craine, by his next friend Thomas Craine, against Harry Ross Soden, claiming damages for injuries sustained by reason of the negligent management of a motor car driven by the defendant whereby the plaintiff was thrown down. The action was remitted to the County Court. At the trial, which was with a jury, the plaintiff was nonsuited on the ground that there was no evidence of negligence to go to the jury. An appeal to the Full Court was dismissed, and the plaintiff now appealed to the High Court.

The case turned wholly on the evidence.

Schutt (with him *Dixon*), for the appellant.

Starke (with him *Lowe*), for the respondent.

THE COURT allowed the appeal, holding that there was evidence to go to a jury.

Appeal allowed with costs. Order appealed from discharged. Appeal to the Supreme Court allowed, with costs. Case to be reheard before a Judge of the Supreme Court. Costs in the County Court to abide the event of the rehearing.

H. C. OF A.
1916.
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CRAINE
v.
SODEN.
—

Solicitor for the appellant, *W. S. Doria*.
Solicitors for the respondent, *Cleverdon & Fay*.

B. L.

[HIGH COURT OF AUSTRALIA.]

EVERINGHAM APPELLANT ;

AND

THE MINISTER FOR LANDS (NEW SOUTH WALES) } RESPONDENT.

ON APPEAL FROM THE SUPREME COURT OF
NEW SOUTH WALES.

Crown Lands—Conditional purchase—Restrictions on alienation—Original conditional purchase taken up after 1st February 1909—Acquisition as additional purchase by holder of original conditional purchase taken up before 1st February 1909—Subsequent alienation—Consent of Minister—Crown Lands Consolidation Act 1913 (N.S.W.) (No. 7 of 1913), secs. 267, 272.

H. C. OF A.
1916.
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SYDNEY,
March 30.
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Griffith C.J.,
Barton,
Gavan Duffy
and Rich JJ.

Sec. 267 of the *Crown Lands Consolidation Act 1913* (N.S.W.) provides that "The holder of any conditional purchase . . . may . . . acquire by transfer one or more conditional purchases . . . (although a condition of residence may attach to such conditional purchases . . .) as additional