

IN THE HIGH COURT OF AUSTRALIA

SOUTH AUSTRALIA REGISTRY

No. 12 of 1933.

ON APPEAL FROM THE SUPREME COURT OF SOUTH AUSTRALIA

BEFORE THE FULL COURT

B E T W E E N ANDREW DAVENPORT CLARK and
ELLIS & CLARK LIMITED
(Defendants)

Appellants

- and -

HAROLD BUSBY (Plaintiff)
Respondent

THE HONOURABLE SIR GEORGE EDWARD RICH K.C.M.G.,
MR. JUSTICE STARKE, MR. JUSTICE DIXON, MR. JUSTICE
EVATT and MR. JUSTICE McTIERNAN.

THURSDAY THE 21st DAY OF SEPTEMBER, 1933

THIS APPEAL against the Judgment of the Supreme Court of
South Australia made and pronounced herein by the Honourable
Mr. Justice Angus Parsons on the 1st day of August 1933

COMING ON FOR HEARING in Melbourne this 21st day of September
1933 in the presence of Mr. Lewis and Mr. Hudson of Counsel

for the Appellants and Mr. Ligertwood K.C. and Mr. Geoffrey
Harry of Counsel for the Respondent THIS COURT DOTH ORDER

that the said appeal be dismissed and DOTH FURTHER ORDER
that the Appellants do pay to the Respondent his costs of
this appeal to be taxed.

BY THE COURT

[Handwritten Signature]

DISTRICT REGISTRAR

16 OCT 1933

ENTERED



31 / 1933
CLARK AND ANOTHER V. BUSBY.

Judgment.

Rich J.

I interpret the learned judge's judgment read as a whole as not finding contributory negligence on the part of the plaintiff. The facts show and the learned judge so decided that during the whole of the occurrence defendant's conduct began, continued, and ended in negligence. The appeal should be dismissed.