

No 14 of 1941

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IN THE HIGH COURT OF AUSTRALIA.

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*Trompp.*

v.

*Liddle*

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**REASONS FOR JUDGMENT.**

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Judgment delivered at *Sydney.*  
on *6th August 1941*

ON APPEAL from the Supreme Court  
of New South Wales

BETWEEN:

ELEANOR SUSANAH TROMPP

(Plaintiff) Appellant

AND:

THOMAS LIDDLE

(Defendant) Respondent

BEFORE :

Their Honours the Acting Chief Justice, Mr. Justice Starke,  
Mr. Justice McTiernan and Mr. Justice Williams.

Wednesday the Sixth day of August in the Year  
of Our Lord One thousand nine hundred and  
fortyone.

WHEREAS on the Fifteenth day of May one thousand nine hundred and  
forty one the abovenamed Appellant filed a Notice of Appeal to  
this Court from the whole of the judgment and order of the Full  
Court of the Supreme Court of New South Wales given and made on the  
First day of May one thousand nine hundred and forty one setting  
aside the verdict and judgment entered in favour of the abovenamed  
Appellant in Action No. 2325 of 1939 AND WHEREAS the Appeal came  
on to be heard before this Court this day WHEREUPON AND UPON READING  
the Transcript Record of the proceedings transmitted to this  
Court by the Prothonotary of the said Supreme Court AND UPON HEARING  
what was alleged by Mr. J.E. Cassidy of Kings Counsel, with whom  
was Mr. A.C. Wallace of Counsel on behalf of the Appellant and by  
Mr. W.W. Monahan of Kings Counsel with whom was Mr. L.C. Jordan  
of Counsel on behalf of the Respondent THIS COURT DOTH ORDER that  
this Appeal be and the same is hereby dismissed AND THIS COURT DOTH  
FURTHER ORDER that it be referred to the proper officer of this  
Court to tax and certify the costs of the Respondent of and  
incidental to this Appeal and that such costs when so taxed and  
allowed be paid by the Appellant to the Respondent or to his  
Solicitors Messrs. John Corcoran & Co.

BY THE COURT

*G. Hardman*  
DISTRICT REGISTRAR.

IN THE HIGH COURT OF AUSTRALIA)  
NEW SOUTH WALES REGISTRY )

TROMP v. LIDDLE

6th. August 1941

Judgment of His Honour the Acting Chief Justice:

In this case an action was brought under the Compensation to Relatives Act, New South Wales, in which the jury returned a verdict for the plaintiff. On motion by the defendant to the Full Court the judgment and verdict for the plaintiff were set aside and verdict and judgment entered for the defendant. This appeal is against the judgment and order of the Full Court.

*Before the Supreme Court and this Court*  
The argument centred on the question as to whether there was evidence fit to be left to the jury that the defendant was driving at an excessive or unreasonable speed. In spite of the earnest and able argument of Mr. Cassidy, I agree with the conclusion arrived at by the Full Court. Neither inference nor direct evidence showed that the defendant was travelling at an excessive speed or that such excessive speed caused or contributed to the accident.

In my opinion there was no evidence fit to be left to the jury and I think that the appeal should be dismissed.

ORDER: APPEAL DISMISSED WITH COSTS