

Sullivan, }
June 3, 1924. }

RITSON R. DIXON v. FELIX WOOD.

In case for negligence causing a collision of automobiles, evidence as to the nature and extent of the damage done to one of the cars is relevant.

Upon the issue of a person's experience in driving automobiles, evidence that he "traded in" an old Ford may be relevant to show that he had experience with cars of a certain sort.

Where there is any evidence to sustain a verdict, an exception to the denial of a motion to set it aside as against the evidence presents no question of law.

CASE, for negligence. Trial by jury and verdict for the defendant. A motion to set the verdict aside as against the law and the evidence was denied by *Sawyer, J.*, and the plaintiff excepted. The facts and other exceptions are stated in the opinion.

Hurd & Kinney (*Mr. Hurd* orally), for the plaintiff.

Jesse M. Barton, by brief and orally, for the defendant.

PEASLEE, J. This is a suit by one automobile driver to recover of another for damage done in a collision at a meeting of ways. It was a matter in dispute which driver was in fault, or which car ran into the other. Subject to exception, the defendant was allowed to show the nature and extent of the damage to his car, as tending to throw some light upon how the accident occurred. There was no error in this ruling. Results follow causes. The fact proved is similar to that in *Lassone v. Railroad*, 66 N. H. 345. The extent of the damage was there shown by the shop book of a deceased wheelwright. Although the reception of the evidence was closely contested and elaborately argued, there was no suggestion, either from counsel or the dissenting justice, that the evidence should or could have been excluded upon the ground of irrelevancy, which is urged here.

The plaintiff claimed that the defendant was an inexperienced driver, and excepted to evidence that when the defendant bought his car he traded in an old Ford. This fact had some tendency to show that the defendant had probably had experience with automobiles of a certain sort. Whether it was of enough significance

to warrant its consideration in this trial, was for the presiding justice to determine.

The exception to the denial of motion to set the verdict aside as against the evidence presents no question of law.

Exceptions overruled.

SNOW, J., was absent: the others concurred.

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EUGENE E. BEERS, *Ap'ee*, *v.* PAUL DAVIDSON, *Ex'r.*

- ✓ The valuation of property by municipal officials for the purpose of taxation cannot be introduced, as evidence of the actual value of the property, in controversies between persons not claiming rights under the tax assessment.
- ◊ A motion for a directed verdict for the plaintiff "on the ground that there is no substantial evidence to contradict his claim," will be overruled where a contrary conclusion is warranted by the evidence.

PROBATE APPEAL, from the acceptance of the report of the commissioner who allowed the plaintiff's claim. Trial by jury and verdict for the defendant. At the close of the evidence, the plaintiff moved for a directed verdict "on the ground there is no substantial evidence to contradict his claim." The motion was denied subject to the plaintiff's exception. Exceptions were taken by the plaintiff to evidence introduced by the defendant. The facts sufficiently appear in the opinion. Transferred by *Sawyer*, J.

Henry N. Hurd and *Fred A. Jones* (*Mr. Hurd* orally), for the plaintiff.

Francis W. Johnston and *Jesse M. Barton* (*Mr. Johnston* orally), for the defendant.

PLUMMER, J. The latter part of November, 1917, the plaintiff and his wife went to live with Darius N. Moulton, and December 24, 1917, Moulton deeded to Mrs. Beers his farm, and she gave him back a mortgage conditioned on supporting him during his life. He died August 14, 1921. At the time the Beers went to live