

ABOUT A ROLLER AND OTHER MATTERS

LITIGATION AT MINGENEW.

Three cases were taken together at the MINGENEW Local Court on August 28 by the R.M., Mr. E. McGinn.

Joseph Pike sued E. W. Dreger for £44/1/- and £2/2/10 costs for work done, which claim was admitted, but defendant counterclaimed for an amount of £50/11/10, part of which was for a roller he had made, which Pike had borrowed and not returned. Annie Eileen Dreger sued Joseph Pike for wages alleged to be due to her amounting to £2/10/- and Rudolph Robert Dreger claimed £2/5/- also for wages, from Pike..

Mr. N. Graham appeared for plaintiff and Mr. Stow for defendant.

Ernest Michael Dreger said he sold one setting of eggs to Pike at one guinea. They were from a special pen of white leghorns he had paid five guineas for. The price was fixed at the time of buying. He also sewed 395 bags for Pike at 2d. each. He lent a roller to Pike who agreed to pay 2/6 per acre for the area rolled and return the roller in perfect order. Pike rolled between 150 and 200 acres and did not return the roller, but left it on his own place. It was a new roller when Pike got it, but was now partly broken up. He valued the roller at £17/10/-. When he asked plaintiff about the roller, plaintiff told him to go and get it. He estimated that he had been caused damage to the extent of about £10 by reason of not being able to roll his crop through the absence of the roller.

By Mr. Graham: He had bought six

By Mr. Graham: He had bought six hens and a rooster for the five guineas. He had told Mr. and Mrs. Pike the price when they called at his place in their motor car. He admitted that a statement produced bore his signature, but his boy wrote it as defendant could not read English. He could write in Russian, his own language. He had paid Pike £17 altogether. He owed Pike £47, but Pike also owed him money. They had both signed papers, Pike for what he owed and defendant for what he owed.

By the R.M.: He owed Pike £47 and gave him a paper to give to his lawyer.

By Mr. Graham: He had never intended to pay Pike the whole of the £47. He had promised to pay £15 to Pike for rolling his land at the completion of the work and the balance when he got a loan from the Agricultural Bank. He did not believe Pike had not used the roller on his place after finishing defendant's rolling. He did not see Pike rolling, but his boy who was working there saw him. He found out that Pike had rolled 150 acres. Later defendant said he had seen Pike rolling.

Mr. Graham: There you are, back again.

Defendant: "Vell I haf to go back."

By Mr. Graham: He could not say

if Pike had borrowed a roller from someone else. The roller was made of wood and iron. It was a big salmon gum log, hollow in the middle, 3ft 6in. in diameter. It costs him £2 to find it, cut it down and bring it home.

By the R.M.: He would have to get 3 or 4 horses to get it home.

Home Made Roller.

By Mr. Graham: He got the log from Mr. Knight's property for whom he was clearing. It took himself, and a man a day to get the log. Iron fittings cost him £8/16/-. The roller took him

cost him £8/16/-. The roller took him another fortnight to make and he allowed another £8 for that. When Pike came to borrow the roller, he offered to roll 100 acres for witness at 13/- per acre, so he thought if Pike charged that it was a fair thing to charge him 2/6 for the use of the roller on his own place. They were good friends, that is, they were not enemies. Mr. and Mrs. Pike might go to witness' place and witness and his wife might go to their's. The eggs had not been taken down to Mrs. Pike as a gift for eating. Mr. and Mrs. Pike asked for them when they had a broody hen. He had quoted one guinea for eggs.

Mr. Graham: "What about this account I have here for eggs in which you have charged £1.

The R.M.: Perhaps he reduced them for discount.

By Mr. Stow: He knew about his daughter claiming £2/10/- from Pike. Pike had asked for the girl when his wife was ill, and that was the amount he agreed to pay her. She worked for Pike for a week. Pike had also offered to pay his son 15/- per day to help finish off his hay stack. His son worked there 3½ days.

By Mr. Graham: The girl was about 12 then. There was no school near. The boy was 14. Defendant considered the amounts as due to him.

Mrs. Sarah Sophie Drøger corroborated her husband's evidence. Her daughter could cook or do anything. She was a big girl.

Norman Knight, farmer of Kcollanooka, estimated the cost of making a scrub roller such as defendant had lent at £20.

By the R.M.: £17/10/- was a fair value.

By Mr. Stow: Witness would want £20 to make one.

By the R.M.: He had made one for his own use seven years ago.

By Mr. Graham: No one had

his own use seven years ago.

By Mr. Graham: No one had suggested £17/10/- to him, it was his own estimate. He had seen the roller on his own and on Dreger's property.

Rudolf Robert Dreger gave evidence as to working for Pike.

By Mr. Graham: It had worked for others before and had been paid 10/- per day. He had assisted at Pike's place in pitching and loading hay and on the stack. He had helped to cart seven or eight loads of hay.

Annie Eileen Dreger said she worked a week for Mr. Pike. Mrs. Pike got the food ready to cook while she was in bed, and witness put it on and minded it.

Loan Not Hire.

Joseph Pike, farmer of Bowgada, denied the counter claim. In 1928 he was farming at Koolauoka and de-

fendant and himself were neighbours and on friendly terms. There was no payment mentioned in connection with the loan of the roller, it was just lent to witness. The roller kept breaking down and witness fixed it up again. He did 50 acres of scrub land on his own place, and it cost him 10/- per acre. Just before he finished the fifty acres Dreger came over and asked him to do some rolling there. Witness fixed the price at 15/-, allowing 3/- extra for his own wages. Defendant had no horses or tractor to pull the roller. He did 100 acres for defendant, who paid him £15. At the time the papers were signed that was supposed to be the final settlement. After rolling defendant's property witness took the roller to his place, and it was there still.

By the R.M.: He had no time to take it back. He did no rolling with it after doing the rolling for defendant.

By Mr. Graham: The roller was improved to what it was when he had it. He would estimate its value at £5. He would make one for that. He had

He would estimate its value at £5. He would make one for that. He had made several. Defendant's girl was at his place only about six hours during one day. No wages were agreed on. The girl just swept up the floor and washed the dishes. His wife was only in bed for about four hours one morning. Defendant's son only worked for him about three-quarters of a day. The eggs were given to his wife as a present and they ate them. He did no scrub rolling after doing Dreger's. Dreger sowed about 259 bags for him. Dreger let him have the roller for nothing. It was a common thing for a neighbour to lend another a roller. Dreger made no condition for witness to take the roller back. It was not always a condition that one should take anything back that was lent. Dreger insulted him one Sunday that was why he had not taken the roller back. He could make a roller for £5 in three days, valuing his labour at 17/6 per day. He could get a log like that in two hours. He went over to get defendant's girl because Mrs. Pike was worried about the washing up. She was only there till about 3 o'clock when he took her home in the car.

By the R.M.: He had left that farm now. The roller was still there.

Harry Pike corroborated his father's evidence. He heard Mrs. Dreger tell his mother she would bring her some eggs.

By Mr. Stow: He saw the eggs put in a dish. They ate the eggs. He was sure of that because he had noticed which dish they were in. Asked why he took such particular notice witness said his mother told him they were a present from Mrs. Dreger and he looked to see. His mother told him everything. No one had asked him to remember the incident. He had not been schooled by his father. He did not remember about the eggs till his

not remember about the eggs till his father had mentioned it.

His Worship gave judgment for defendant on the counter claim as follows:—£15 for the roller, £6/5/- for 50 acres rolled by plaintiff at 2/6 per acre, £1/1/- for the eggs, £2/14/- for the bag sewing. Also for Annie Dreger for 15/-, and for Rudolf Dreger for 25/-