

In the Courts.

(Before Mr. M. Gallagher, P.M.).

SUMMONS COURT.

Using a Motor-Car Without Consent.

Decision was given yesterday in the case in which Michael James Banaghan, car-driver, complained that on February 27, 1932, at Mackay, Clarence Ditton and Robert Caddy used a Morris-Isis motor-car, the property of Margaret Banaghan, without her consent, or the consent of complainant, the person in lawful possession of the car.

Sergeant Smith conducted the case on behalf of complainant, and Mr. A. Hartley appeared for defendants.

Evidence was heard on Monday and decision was reserved until yesterday, when the P.M. found as follows: "In these cases I have treated the conversation between Detective Gooch, Constable Holben, John Patrick Casey, and defendant Ditton, in the absence of defendant Caddy, as evidence against defendant Ditton and not against defendant Caddy; and conversations between Detective Gooch and John Patrick Casey and defendant Caddy, in the absence of defendant Ditton, as evidence against defendant Caddy and not against defendant Ditton. Defendant Ditton is convicted and sentenced to six months' imprisonment with hard labor in Mackay gaol. Defendant Caddy is

Mackay gaol. Defendant Caddy is convicted and sentenced to six months' imprisonment with hard labor in Mackay gaol."

(The six-months sentence inflicted by the P.M. is the minimum penalty for the offence alleged, under the Vagrants, Gaming, and Other Offences Act).

Mr. Hartley asked that the minute of the order be withheld for 14 days. No objection was offered.

Sergeant Smith's application for an order for the return of the motor-car, an exhibit in the case, was granted.

Alleged Assault.

Albert Arthur Brooks, of Coningsby, proceeded against Vera Platonoff, of Wundaru, for alleged unlawful assault on February 26, 1932.

Mr. A. R. Hartley appeared for complainant and Mr. W. A. Amiet for the defendant.

Albert Arthur Brooks stated that he was a storekeeper at Coningsby, and complainant in the case. He had known defendant, Vera Platonoff, for about three years. On February 26 he attended a sale to be held at Platonoff's house at Wundaru. It was just on 11 a.m. when he arrived. He got off his horse and had a look at one of its legs. He was there only a few seconds when he heard defendant call out that she would shift him. She came out with a stick and hit him across the shoulders with it. She kept hitting him and kicking at him and he tried to push her away. Mr. Platonoff came over and threatened to strike him. Witness took the stirrup-iron to protect himself. The defendant then got a big stick and hit

stirrup-iron to protect himself. The defendant then got a big stick and hit him across the nose with it.

Cross-examined by Mr. Amiet, complainant said that he did not knock defendant down; she fell down. It was the first time they had cross words between them and he could give no reason why she should have attacked him as she did. As it was a public auction, he claimed that he had as much right to be there that day as defendant. He had an interest in the sale, as defendant owed him £50. She had always promised to pay, but had never done so. She did tell him to go away that day. She assaulted the horse as well as him.

James Edmund Waller stated that he was bailiff of the Magistrates Court, and by order of the Court went out to defendant's house on February 26 to hold a sale. While conducting the sale he saw defendant strike complainant. She was on one side of the horse and Brooks was on the other. He adjourned the sale.

James Sivyer stated that he was a laborer residing at Wundaru, and that he was at Platonoff's house on February 26, arriving there about five minutes before 11 a.m. Complainant rode up on his horse and after dismounting started to clean out one of the horse's hoofs. He heard defendant call out to complainant, "This is not a blacksmith's shop, Brooks; you better go home!" Defendant came out of the house and hit complainant with a stick. In a scuffle defendant fell. She then got a bigger stick and hit complainant.

Cross-examined by Mr. Amiet, wit-

Cross-examined by Mr. Amlet, witness said that he did not see Brooks hit defendant with his fist. Defendant appeared to fall heavily; her feet seemed to go from under her. He did not hear complainant say to defendant that she was always trying to put things over people.

James Wright, stated that he was a field worker, residing at Coningsby and that he was outside Platonoff's house on February 26. He saw Brooks ride up on his horse, and after dismounting he started cleaning the hoofs. He heard defendant call out to Brooks, "This is no blacksmith's shop, get out of here!" Brooks replied that he had as much right to be there as any one else, as it was a public auction. Defendant got a switchy stick to Brooks, and in the scuffle he saw defendant fall. Witness said that he did not know whether defendant was knocked, pushed, or kicked down, but she was on the ground. He never actually saw defendant with a stick the second time.

Andrew Overend stated that he acted as deputy-bailiff from February 19 to February 26. About 11 o'clock on February 26 he was sitting on the veranda of defendant's house when he saw Brooks ride up on a pony. Brooks started to clean the horse's hoof, and he heard defendant call out that it was not a blacksmith's shop and tell Brooks to get out. Brooks replied that he had every right to be there, as it was a public auction. Defendant came down from the house, got a lantana stick, and attacked Brooks. In the scuffle he

the house, got a lantana stick, and attacked Brooks. In the scuffle defendant fell over. Mr. Platonoff then went over to Books and threatened to hit him, but did not do so. Defendant then got another stick and made a swing at Brooks. He did not see the actual blow, but it must have struck Brooks, because his nose started to bleed.

Archibald Sivyer, stated that he was a farmer residing at Wundaru, and that he was present at defendant's house on February 26 for the sale. He saw Brooks ride up, dismount, and start to clean out the horse's hoof with a knife. Defendant was on the veranda and called out to Brooks that the place was not a blacksmith's shop and told him to go away. Brooks replied that as it was a public sale he had every right to be there. Defendant got a lantana stick and attacked Brooks. Defendant fell. The stick

broke, and defendant got another one. Mr. Platonoff went across to Brooks and cross words were exchanged.

Cross-examined by Mr. Amiet, witness said that Brooks had the knife in his hand during the squabble.

Mr. Hartley intimated that no further evidence would be called by complainant.

For the defence, Vera Platonoff, giving evidence, stated that she was the wife of Thomas Platonoff, residing at Wundaru, where the bailiff came on February 26 against her will. Brooks came up to the house on a horse, and she told him to get off the

BROOKS came up to the house on a horse, and she told him to get off the place. Brooks replied that all she was good for was taking people down. She got a switch and asked him to prove what he meant by saying that she took people down. She said to Brooks that "he was nothing but a German crook." Brooks replied that he was born in this country. She hit him with a bit of a switch on the behind which would not have hurt a child. She was trying to get him off the place, and kept touching him up with the switch. Brooks had a knife in his hand and knocked her down with his clenched fist. Her finger was cut on the blade of the knife, and she had a lump on her head where she was struck. Brooks had previously told her on many occasions that if Goli came on her place and annoyed her to hit him with a stick, telling her that she could murder people for entering on private property without permission and refusing to leave when told. She had used the advice given by Brooks on himself.

Cross-examined by Mr. Hartley, defendant said that she had not laid a complaint against Brooks for assault.

Charles Cassar stated that he was a farmer residing at Mielere, and that he was at Platonoff's house on February 26 when Brooks rode up. Brooks stopped and was doing something to the horse's leg when defendant told Brooks that she did not want him there. Defendant got a small stick and went to Brooks. He saw defendant fall.

Gregory Chierness stated that he

Gregory Chierness stated that he was a laborer, residing at Wundaru, and that he was at Platonoff's house on February 26. Brooks came up and defendant gave him orders to get off the place. She got a little stick to hunt Brooks away. Brooks had a knife in his hand and knocked defendant down.

Thomas Platonoff, husband of defendant, also gave evidence, after which the solicitors for the parties briefly addressed the P.M., who convicted defendant and fined her 1/-, and ordered her to pay £4/19/- costs.