

## Assault Charges Against Seaman Dismissed

Joseph Smith, unionist seaman, of Bucknall road, Glanville, was charged before Mr. Sanderson, S.M., in the Port Adelaide Police Court yesterday with having, on January 10, at Port Adelaide, assaulted Michael Ankudinow, a licensed seaman.

Plainclothes Constable A. L. Mitchell prosecuted, and Mr. C. J. Philcox represented Smith, who pleaded not guilty.

Ankudinow said that he was a licensed seaman on the interstate freighter Aldinga on January 10. At 8.30 a.m. that day he left his ship, which was at Birkenhead, to visit Port Adelaide. He entered the Central Hotel at Commercial road, about 9 a.m. The defendant was there with several other men. Witness had a pint of beer, and sat down on a seat. The defendant and some other men sat near him. Somebody asked the witness what ship he was on, and if he were a unionist. He replied that he did not belong to the union, and produced his licence book. The defendant snatched the book away, tore it up, and said, "You are a scab." Witness went into the yard of the hotel, and several men followed him. He saw the defendant swinging his arms, and felt a blow on the face. He fell to the ground dazed. He was treated at the Port Adelaide Casualty Hospital, and later admitted to the Adelaide Hospital. On January 18 he was discharged from the hospital. After conversing with two police officers he stood on the corner of S. Vincent street and Commercial road, Port Adelaide. He saw the defendant walking across the road, and identified him as his assailant.

Smith gave evidence that he was talking to friends at the corner of the Port Adelaide police station from 9 to 10 a.m. on January 10. He then went to the Seamen's Union rooms and stayed there for a while. From there he went to the British Hotel and then home. He denied ever having been at the Central Hotel on that day, and any knowledge of the assault.

The magistrate said that there was no corroborative evidence of the assault. The police were justified in instituting proceedings, but they had to depend on the evidence of a man who had been knocked unconscious. Further, Ankudinow seemed a bit muddled, and might have made a mistake. The charge against Smith would be dismissed.

An application by Mr. Philcox for costs against the police was refused.