

ASSAULT CASE

FARMERS AT LAWGI

R. M. GREGORENKO AND JOHN KILLEEN

In the Biloela Police Court, before Mr F. A. Manning, C.P.S., and Mr W. H. Leigh J.P., Richard Michael Gregorenko proceeded against John Killeen for unlawful assault at Lawgi on October 25, and John Killeen proceeded similarly against complainant.

Gregorenko stated that he was a farmer, residing at Lawgi, and that defendant was cotton picking for him last season. Later defendant was engaged in picking corn. This season he allowed Killeen a piece of scrub land to clear for the coming season's cotton crop. On October 25 he was taking his horses from the paddock to the yards and he saw Killeen at the well with a stick in his hand. The stick was apparently tied to his hand; in the other hand he held two large stones about 4 lb. in weight. When he came up to Killeen the latter threw the stones at him, both hitting him about the hands, which he had put up to protect his head. Then Killeen picked up another stone and threw it at him, hitting him on the shoulder; Killeen picked up another stone, which hit witness on the forehead. When he was walking away Killeen was striking him with a stick, causing him to fall over a heap of stones. Killeen fell on top

with a stick, causing him to fall over a heap of stones. Killeen fell on top of him. His son George came along and asked Killeen to leave his father alone. Killeen replied, "Go away or I will shoot you." Witness was injured on the hand, shoulder, and head and went to hospital for treatment. He did not give Killeen any provocation whatever.

Dr Blaney, medical practitioner, residing at Biloela, stated that he saw both Gregorenko and Killeen at Biloela on October 26. Gregorenko's hand was much swollen and showed sign of fracture. He could not see any signs of five different bruises on the head as suggested by Gregorenko. He saw one and there were mere scratches on the forehead. He examined Killeen on October 25. He had abrasions on both left and right shoulders, left arm, wounds on the head, and was suffering from shock, but although admitted to hospital for four days, his health was not permanently injured.

Ruth Myra Potts, married woman, living apart from her husband, and housekeeper for Gregorenko, corroborated Gregorenko's evidence.

George Gregorenko, son of the plaintiff, said he was attending school. Giving evidence in support of plaintiff, he stated that he saw Killeen assaulting his father and he rode up on his horse to the scene of the attack. When he got there defendant was sitting on his father and hitting him with stones. Witness then picked up a good brigalow stick and struck Killeen on the body and head. He added, "after I finished hitting him on the head he fell off my father," and he went away.

Under cross-examination by the

Under cross-examination by the magistrate, witness stated that he hit Killeen on the body about half a dozen times and on the head five or six times. When Killeen was trying to get away witness kept hitting him on the head.

John Killeen stated that he was a share farmer on Gregorenko's property, where he had cleared land for the coming season's cotton crop and was assisted by a Government Department in respect thereto. On October 25 he went to the well for water as usual, although there had been a dispute in respect to his getting water from the well and to which he considered he was entitled. As he was leaving the well Gregorenko approached him with a mattock and handle over his shoulder and said to Killeen: "How dare you come into this paddock to assault me," to which he replied that such was not the case. Gregorenko then struck at him with the mattock. Witness had a stick and knocked the mattock from Gregorenko's hands. Gregorenko then closed with witness and threw him on his back. Gregorenko's son George rushed up on his horse and the father said, "Knock the mattock from the handle and hit him on the head," and repeated this command to the boy several times, whilst the boy was hitting him with the mattock handle. Killeen stated that he bled very freely and was completely dazed, but struggled to his camp. He had given Gregorenko no provocation whatever.

The magistrates, in giving their decision, stated: "After carefully considering and weighing the whole of the evidence adduced before us we have decided that we are unable to accept the evidence of Gregorenko and the

decided that we are unable to accept the evidence of Gregorenko and the witnesses called by him. We accept the evidence of John Killeen. Accordingly we find that John Killeen was not guilty of the offence as charged against him and the complaint against him is dismissed. We find that Richard Michael Gregorenko is guilty of the offence charged against him and fine him £5, in default of payment within one month, to be imprisoned in the Rockhampton prison for two months."

The parties were not represented by counsel.