

Limbless Ex-Soldier Mulct For Breach Of Promise

**Girl Took Poison
---Baby Was Born
Dead**

£250 DAMAGES

(From Our Sydney Rep.)

A one-legged ex-soldier, figured in a breach of promise suit in Sydney last week, a verdict of £250 being given against him.

"HE GAVE ME AN OATH THAT HE WOULD NOT ATTEMPT TO MOLEST ME," SAID THE WEEPING PLAINTIFF, WHO ADDED THAT HE HAD BEEN FAMILIAR WITH HER AGAINST HER WILL, THAT A CHILD WAS BORN. BUT DIED.

WAS BORN, BUT DIED.

It was on last Boxing Day that Reginald Samuel Bortzell, limbless soldier, called on 28-year-old Rose Sharp, of Waverley, N.S.W., for a cup of tea in her room and, according to her counsel, Miss N. Cohen, something occurred there against her will. Next day he wrote her a letter:

"I hope you are better this morning. Gosh! You were not too good when I left you on Sunday night. When you get better, darling, come in and see me whenever you like . . . I only hope you are not too angry with me at what happened on Sunday night."

"As you may imagine," counsel continued, "Miss Sharp was almost distracted. Up to that time she had always been a virtuous girl. He told her everything would be alright; he would get a special license and they would be married."

February 20 was allegedly set for the wedding day. But towards the end of January the plaintiff, who had spoken several times about the special license, got the impression that the man was hedging.

Bortzell had told her that he was living with his sister and brother-in-law and once when she rang him there, he was said to have answered in an assumed voice, pretending to be the brother-in-law.

" . . . And Finding He Had A Wife"

IT WAS ON FEBRUARY 9 THAT MISS SHARP REALISED THAT SHE WAS EXPECTING A CHILD AND, MISS COHEN REMARKED, "IMAGINE

MISS COHEN REMARKED, "IMAGINE THE EFFECT ON A GIRL WHO WAS EXPECTING TO MARRY A MAN WITHIN A FEW WEEKS, AND FINDING THAT HE HAD A WIFE."

This interesting discovery had been made when she was talking to Bortzell on the phone, a woman's voice interrupting to say she was Mrs. Bortzell and demanding to know who the caller was.

There was a meeting between the two women and, according to counsel, Mrs. Bortzell agreed to divorce her husband. But after a few days, either she changed her mind, or Bortzell changed his and he told plaintiff that the wedding was off.

Plaintiff's reaction to this was to take poison. A few days after she left hospital she lost her child. Since then she has been sick and unable to work while a further operation is pending.

Describing Bortzell's visit to her room last Boxing Day, plaintiff said, "Before that he gave me an oath that he would not at any time molest me."

Sobbing, she continued, "I quite thought he was a most respectable man who kept his oath."

This oath? Mr. W. R. Thompson (for the defense) was interested.

"HE SWORE TO GOD THAT HE WOULD NEVER PUT A HAND ON ME." WAS HER REPLY.

Mr. Thompson suggested that she had been told previously by another woman that Bortzell was married. This she admitted, but she said that he had denied it and had not mentioned it to a member of the Married and Single Soldiers Athletic Club, to which he belonged (and where she was employed) to deny it.

His Honor: When he told you himself that he was not married, did you believe that?—Yes.

Mr. Thompson: This man has one leg amputated above the knee, and without your consent he was able to seduce you by force?—Yes. He is a strong man.

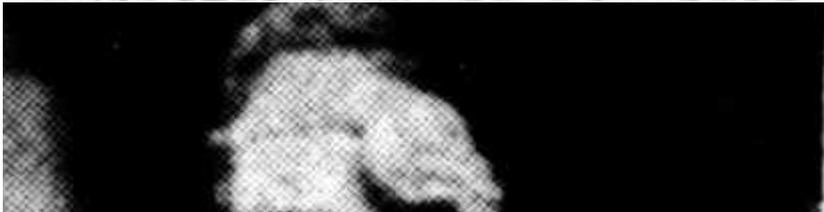
Defence did not call evidence and Mr. Thompson applied for a non-suit, which was refused. Counsel's contention was that "It is a well-established principle, that if the plaintiff believes at the time a promise of marriage is made that he is a married man, that promise is not a good promise."

Jury returned a verdict for plaintiff for £250 damages. Legal costs will go to her too, but Mr. Justice Owen did not think that medical expenses, incurred as a result of her attempted suicide, were chargeable as a result of the breach of promise, even though the attempt had resulted from her treatment by Bortzell.





LIMBLESS SAMUEL BORTZELL







Plaintiff's Counsel, Miss E. Cohen