

13-Year-Old Girl And Fruiterer DELIBERATE LIES," HE SAYS IN COURT



South Brisbane fruiter, John Engert, who, on oath from the witness box, denied he had left his home on the night when a 13-year-old girl declared he had committed an offence behind a Grey-street flat.

Sensational Allegations

"**D**ELIBERATE lies," was what 48-year-old fruiterer, John Vengert, who plies his trade outside the Palace Hotel, South Brisbane, had to say in the Brisbane Police Court last week, in reply to the allegations of a 13-year-old schoolgirl. The girl's story was that in the long grass behind a flat in Grey-street, Vengert had indecently dealt with her on January 14 last. Vengert's defence was a plea of not guilty, expressed in his denial of the alleged offence, and in his calling of witnesses to support an alibi.

His solicitor, Mr. H. H. Stone, took the unusual procedure of summoning the Russian-born, but naturalised Australian, Vengert, to the witness stand. Sensational

feature of the evidence was the declaration of Mrs.

Maudie May Waldron, mother of the little girl, that she would not believe a word of what people in the Stanley-street house owned by Vengert might say, because once, they had detained her son, now in the A.I.F., for four days, as they wanted him to marry a dwarf woman.



Det-Sgt. Donovan.

Upshot of one of the most remarkable cases heard in a Brisbane court was the successful

bane court was the successful application of the police prosecutor (Detective-Sergeant J. Donovan) for an adjournment until Thursday in order to call rebuttal evidence from the child's foster-father (now in the Air Force) who, it was alleged by Vengert, had demanded money from him.

THIRTEEN years old last September, the little schoolgirl stated frankly that she did not understand the Bible, but knew what was a sin, and that she would tell the truth.

On January 14, she told the court, in the afternoon, her mother went to the city, leaving her alone in the backyard of their flat in Stanley-street playing "shops."

Vengert, she went on, came down the lane at the back of the flat with a dog on a lead. He tied the dog to the gate and said he wanted to tell her something. Then, declared the girl, he took her out of the gate on to a vacant allotment into a paddock, adjoining the flats.

"There," continued the child, "he grabbed me by the wrist and pushed me down. After doing something, he gave me 2/- and told me not to tell my mother and that he would see me on Friday."

The young witness said she went back to the flat and then to Rosemount Hospital with a parcel. On the way she bought a malted milk, two ice creams and two packets of chews, and when she got back she told her mother what had happened.

The Prosecutor: Has any other man done anything like that to you before? —No.

Cross-examined by Mr. Stone, the girl said that all this happened before 7 p.m., and it was dark, but there were lights from the Grey-street bridge. There were people in the end house and they would have been able to see Vengert and herself.

DIDN'T CRY OUT.

Mr. Stone: Did you know what was happening? —No.

Didn't you cry out? —I was too frightened. He had his hand over my mouth.

Didn't you think defendant was doing wrong? —I don't know.

She did not tell anybody what had allegedly happened until she told her mother, continued the child, who also denied that her mother had asked her to see Vengert and ask for the loan of

to see Vengert and ask for the loan of 10/-. Vengert, she went on, was kissing her while he was allegedly doing things to her.

Mr. Stone: Was anything said between your father and mother about Vengert paying them money or he would lose hundreds of quids? —No.

Mother of the child, Mrs. Maude May Waldron, said that about 4.45 p.m. on January 14 she left her flat at Grey-street and went to the city and returned about 8.30 p.m. Her daughter had gone to Rosemount Hospital, and when she returned she told her something.

Next day, asserted the mother, she saw Vengert at his fruit stall and asked him if he had seen the child the previous night and given her 2/-. Vengert replied that he had. The same afternoon, Mrs. Waldron said she interviewed the police.

Never at any time, declared Mrs. Waldron, had she sent her daughter to borrow money from Vengert and never had she borrowed money from him or owed him £3/10/-. She added that the alleged assault, according to her daughter, happened between 6.30 p.m. and 7 p.m.

Mr. Stone: You sent your husband up to see defendant? —I have no husband.

Did you discuss this matter with the man you are living with? —Yes.

Do you know anything about the man you were living with going to defendant and demanding money from him? —No, I do not.

Mrs. Waldron testified that she owed Vengert nothing and added, in further reply, that there was no reason why she sent her daughter to a convent. Her child had told her about defendant allegedly taking her to a vacant allotment and she had drawn her own conclusions.

Mr. Stone: If the marks found on your daughter's clothing were not certain stains, it would upset your child's story? —Yes.

Has the child ever complained about men before? —No.

Mrs. Waldron went on to say that she knew where Vengert lived and knew the people at the Stanley-street house by sight. She would not believe them, however, if they said they knew where Vengert was on the night of January 14.

"Why?" asked Mr. Stone.

"Because these people detained my son, in the A.I.F., for four days, as they wanted him to marry a dwarf, and they would not let him go until I threatened to call the police," answered Mrs. Waldron.

In charge of investigations, Det.-Sergt. Cullen, Woolloongabba, said that when he interviewed Vengert and

Sergt. Cullen, Woolloongabba, said that when he interviewed Vengert and informed him of the allegations, Vengert replied: "They are telling lies. As sure as God is my judge, I did nothing to her."

Vengert went on, according to Cullen, after denying that he gave the



Mrs. Lorna Parry (left) and Mrs. Katherine Kelly (right), two witnesses who gave evidence on Vengert's behalf, as they left the Police Court with Mr. H. H. Stone (solicitor for the defence) and a friend.

child 2/-, that the girl was in the street opposite her place as he was going in the gate with his horse and cart. An orange rolled off the cart and the child picked it up and asked if she could have it, and he said she could. Vengert said he went to his home and

could have it, and he said she could. Vengert said he went to his home and never left after that.

Confronted with the child, Vengert denied he had interfered with her, said Cullen, and when asked if he knew any reason why the mother and daughter should make such charges, answered that they were telling lies, allegedly adding, "A lot of people don't like me."

Det.-Sergt. Cullen said that the State Bacteriologist had examined various articles of clothing belonging to the girl and had found negative results.

DENIED IT ALL.

To Mr. Stone, Cullen said that throughout the whole of the questioning, Vengert denied the accusations, and that his denials were spontaneous. Dr. Jack Mowbray Thompson, acting Govt. medical officer, said he had examined the girl and found no sign of interference.

At this stage, the prosecutor closed his case and the magistrate declared that he was a little doubtful yet.

In the afternoon, Mr. Stone called John Vengert, the defendant, to the witness stand. Swarthy Vengert, a returned soldier, who is a native of Odessa, Russia, but a naturalised Australian, with a war record, gave evidence as to his movements on January 14.

He left his fruit stall, at the Palace Hotel about 6 p.m., he said, and went to his home in Stanley-street. There he saw the little girl outside his gateway, and while driving his horse and cart into the yard, an orange fell off the cart. He said she could have the orange and then he took his turn-out in the back yard and closed the gate.

The child was outside the gate.

The child was outside the gate, and, declared defendant, asked him if he could lend her mother 10/-. He said he replied he would not lend her mother any more as she already owed him £3/10/-. The little girl then went away.

Next morning, he went on, the girl's mother came to his stall and "tried to bluff him," asking him if he had given the child 2/- the night before. He said "No," and the woman allegedly walked away.

On the night of the alleged offence, said Vengert, he had tea about 6.30 p.m., and didn't leave his home, where there was a farewell party to Mr. Parry, husband of the tenant, before the latter departed to join the A.I.F. The story of his interference to the child was a deliberate lie, he declared.

Cross-examined by Det.-sergt. Donovan, Vengert asserted that the reason why the little girl had told lies was that she had been put up to it because he had stopped lending her mother and foster-father money. He alleged that the foster-father had threatened him that if he did not fix up the case, it would cost him "hundreds of quidns," and that it would give him a lot of trouble.

The Prosecutor: Isn't it a fact that the father said to you that he would knock your head off for what you had done to the child?—No, no. Never.

Then what did you have in your mind about the "case"?—That he wanted money.

Vengert declared that there was a conspiracy between the mother, the girl and Detective-sergt. Cullen to tell lies about him. He said he had been living in his Stanley-street house about 12 months, and before that in Fish-lane, but denied that he was carrying on with two girls there who might have been taken away by the police and put into a home.

Defendant admitted that he had been previously convicted in 1924 on a charge of receiving stolen property.

Three witnesses called by the defence all declared that Vengert, on the night of January 14, had tea about 6.30, and didn't leave the house that night. They were Roy Frederick Cook, out-of-work taxi driver, who is a boarder, Mrs. Catherine Kelly, a widow, of Upper Melbourne-street, and mother of Mrs. Parry, who leases the house.

The third was Mrs. Katherine Parry, who sub-let the house, which was

owned by Vengert, and remembered the night of January 14 because there was a farewell party to her husband, who left to join the A.I.F. the next day.

left to join the A.I.F. the next day.

The Prosecutor: Wasn't there some attempt at your place to marry off the little girl's brother to a dwarf one time?—I don't know anything about that.

After argument between Mr. Stone and the prosecutor, the magistrate adjourned the hearing for a week, in order to hear evidence in rebuttal from the child's foster-father.