

SUPREME COURT

When a defendant in the divorce case in the Supreme Court on Friday morning before Mr. Justice R. J. Douglas made his appearance in Court and asked that he be allowed to defend the case the request was not granted by his Honour.

The case was that in which Bessie Kozachuk, of 100 Boundary Street, Townsville, was seeking the dissolution of her marriage with Kzenofront Kozachuk on the grounds of desertion. Mr. R. W. Skerman, instructed by Mr. W. Gillman (A. E. Dean and Gillman), appeared for the petitioner.

When the court orderly called the name of the defendant, he stood up in the body of the Court. He was asked by the judge if he had entered an appearance and delivered a defence. On answering that he had not done so, his Honour informed him that unless that were done he (the judge) was not entitled to hear him.

The case proceeded undefended.

The petitioner, Bessie Kozachuk, in evidence, stated that when she married her husband in December, 1921, he was a canecutter. Three children had been born of the marriage, all having now attained adulthood. On May 6, 1937, her husband had deserted her.

The plaintiff stated that she had lived with her husband at Townsville, Giru, Binbee (near Collinsville), and Scottville. In part of 1927 and part of 1928, she had lived apart from her husband. Her husband had a very bad temper. There were frequent quarrels and arguments and one very violent assault on her by her husband. She left him in 1927 because of his bad temper. She was always being belted by him. She took the children to her father in Townsville and worked to keep them.

As a result of promises from her husband, witness stated she rejoined him in 1928, and he behaved himself for some years. In 1937,

joined him in 1928, and he behaved himself for some years. In 1937, he refused to let her go to see her father, who was on his deathbed. Over this incident he had given her a beating and hit her on the face. She went to Scottville and borrowed money in order to visit her father, who subsequently died. In May of 1937 her husband had ill-treated her, as a result of which she reported the matter to the police sergeant at Collinsville. This hiding that she received from her husband was the cause of her having to seek medical treatment in the Townsville hospital. From then, she carried on laundry work for some years. In 1941, when she was at her husband's farm, he also assaulted her severely.

His Honour granted a decree nisi, to be made absolute at the expiry of three months, awarding costs against the defendant.