

ALLEGED GRIEVOUS BODILY HARM

THREE MEN CHARGED.

The case in which Samuel Keenan, Thomas Brown, and Patrick O'Connor are charged with having, on April 4, unlawfully assaulted Jack Pavelkin, thereby doing him grievous bodily harm, came before Messrs. J. H. Stephens and G. H. Rainsford, J.S.P., in the Boulder Police Court yesterday. Keenan pleaded not guilty. Brown and O'Connor did not appear. Mr. P. F. O'Dea represented complainant, and Mr. R. F. Cook appeared for the defendants.

Mr. Cook said he had not been able to get in touch with Brown, who, he believed, was somewhere out at Hampton Plains.

Jack Pavelkin, a miner, residing in Moran-street, said that on Easter Sunday, April 14, Jack Venich and he went into the Horseshoe Inn Hotel. Three men were in the bar drinking, and Keenan was behind the bar with his pyjama coat on. Witness ordered drinks, and Keenan joined them. McDonald, one of the men in the bar, then challenged witness to a wrestling match, and they wrestled for drinks. Witness won, and McDonald shouted the drinks. Kirchner, another man in the bar, then challenged witness, who again won. Keenan then challenged Kirchner to wrestle, but the former commenced hitting, and witness said to Keenan, "It's not a boxing match." Keenan replied, "I'll pull you on for money." Witness' mate offered to back him against Keenan, and money was put up, but Keenan said he did not want to wrestle for money, he added, "I'll pull you at the Lyric Pictures." They wrestled for drinks, and witness won, Keenan shouting. Witness' mate, Venich, then went out, and Keenan followed him. Later witness went to look for his mate, but in the passage he was met by "Knock-out"

he was met by "Knock-out" Brown, who hit him in the face without speaking a word. He then ran out the front door, and Brown followed, but as he ran around some camps Brown went back. Witness then went back to the hotel through the yard, and found his mate lying on the ground in the passage way, just opposite a room. Venich said, "Where have you been? Brown and Keenan robbed me of £22 10/." Witness went up to Keenan, who was standing at the door-way, and told him it was no good a man coming in from the bush to have a good time, to be robbed. Keenan did not reply, but hit witness in the face. Without waiting for another hit, he grabbed Keenan and put him down on the ground. He then ran out the front passage into the street, and Keenan followed. Keenan struck at him, but he dodged, and Keenan fell over him. Witness ran in the direction of the railway crossing, and Brown and O'Connor followed, throwing stones. At the crossing Brown caught up with him, and hit him in the face with a stone. O'Connor was a few yards behind Brown. He was knocked onto the ground, and did not remember any more until next day, when he found he had a broken rib, a broken tooth, and injured eyes. He had been charged by Keenan with having done him grievous bodily harm, but the jury found him not guilty.

To Mr. Cook: Nobody had interfered with him on the other occasion he had visited the hotel. He had not used a knife.

John McFee gave evidence that on the Sunday mentioned, about 1.30 in the afternoon, he heard someone calling out for help. He rushed out of his place and saw two men chasing Pavelkin. Brown caught Pavelkin at the crossing, and knelt on him, bumping his head on the ground. O'Connor kicked Pavelkin in the ribs. Witness rushed up, and O'Connor told him to keep away, at the same time making a swing at witness, but missed. Brown then kicked Pavelkin in the

swing at witness, but missed. Brown then kicked Pavelkin in the head and ribs. He had known Brown for years, and O'Connor for months, and there was no doubt as to their identity. About five minutes later Keenan came out of the hotel with a jack-knife in his hand. Keenan went right up to the crossing, and Pavelkin was then getting into a sitting position. Rushing at Pavelkin, Keenan kicked him in the mouth and ribs. Addressing the crowd, Keenan said Pavelkin had tried to stab him. There was no blood on the knife, which Keenan held in his hand. Keenan threw the knife down alongside Pavelkin, and later picked it

up and took it back to the hotel. That was the first occasion on which he had seen Pavelkin.

Leonard Nock gave evidence that while passing the Horseshoe Inn Hotel between 1 and 2 o'clock on the day mentioned, he saw Keenan come out of the door and go round the side. Pavelkin ran towards the crossing, and Brown and O'Connor gave chase. Brown caught Pavelkin at the crossing, and threw him to the ground. Then he caught Pavelkin by the neck and bumped his head on the ground. O'Connor was standing about a yard behind. Brown then got to his feet and kicked Pavelkin in the ribs, and O'Connor did likewise. Soon Keenan arrived on the scene, and rushing up kicked Pavelkin in the mouth.

James McFee, an engine-driver, residing at 4 Forrest-street, gave supporting evidence as to the occurrence at the crossing. He said he saw Keenan come up in an excited state and kick Pavelkin once.

At this stage the further hearing was adjourned till Wednesday next.