

CLAIM FOR DAMAGES

DECISION RESERVED.

A claim heard by Mr. W. E. McKenna, P.M., in the Magistrate's Court on Friday, was the outcome of an accident which occurred on the Condamine highway on April 10th last. James Cochura proceeded against Francis James Hoare, formerly of Warwick, but now of the Condamine Highway camp, claiming £109/14/. The amount was claimed for damages suffered by plaintiff through the negligent driving of a motor truck in which plaintiff was riding as a paid passenger on the Condamine highway near Dalby, when plaintiff was thrown from the truck and suffered injury and loss of wages as a result of defendant's negligence. A sum of £49/14/ was claimed as loss of wages, £20 for medical and hospital fees, and £40 for personal suffering and bodily injury.

The defendant denied indebtedness; claimed that the injuries were the result of inevitable accident; or that there was contributory negligence.

Mr. W. J. Yowles appeared for the plaintiff, and Mr. P. Neville (Warwick) for the defendant.

In opening the case Mr. Yowles said that while driving along the road the truck struck a guide post, and the plaintiff was thrown out. Defendant told him that the car skidded. The truck was travelling on a newly-made road, and the plaintiff would say that the accident should never have happened. He alleged negligence on the part of the defendant.

Decision was reserved.