

## From the Ploughing Match

Launceston Examiner, Thursday 30 September 1875.

**Disturbance on Railway:-** Benjamin Garrett was charged by R. W. Lord with having on the 15th September wilfully interfered with the comfort of passengers in a railway carriage on the Launceston and Western Railway.

Mr G. T. Collins appeared for the prosecution, and Mr R. B. Miller for the defence.

R. W. Lord deposed that he was manager of the L and W Railway; the 15th instant was the day of the Intercolonial Ploughing Match, and there was an unusual, number of passengers by the train that day, of whom defendant was one. In consequence of a complaint made against the defendant he had laid this charge.

Michael Lynch deposed that he was a Sub-Inspector of Police stationed at Hagley; on the 15th inst. he was a second class passenger in the evening train from Bishopsbourne to Hagley; there were a great many passengers in the carriage, of whom defendant was one; it was a large open carriage and there were from 40 to 50 persons in it; some of them were singing, and there was at times a good deal of noise; James Garrett was called for several times, and at length jumped up from his seat and said would give a thrashing or take one; witness put his hand on Garrett's arm and told him to remember he was in a railway carriage; James Garrett is a nephew of defendant's; James Garrett jumped across two or three seats, and he could see him in a stooping position with a man partly on top of him; witness went to stop the riot, and after stopping it was returning to his seat when he felt the muffler round his neck pulled; he said " Let go my muffler, I am a constable, I don't want to fight; " but the words were scarcely out of his mouth a when he received a blow in the face from the defendant, who then tore off the straps of his uniform coat and ripped up the body of it; he then caught defendant by the hair of the head and pulled him to the window to identify him, and said "It is you, Garrett, I will make it a dear a job for you;" he held defendant till the train got to Hagley station, and then let him go and reported the case to the guard; this conduct caused a disturbance in the carriage, and the comfort of himself and other passengers was interfered with by it.

Cross-examined by Mr Miller-This happened about a quarter to 7 o'clock; there was very little light in the carriage; the carriage was crowded and mainly by noisy excited people; James Garrett was one of the men who were singing, and he rolled over the passengers to get to the man who challenged him to fight; James Garrett was underneath, one man was partly under him, and another partly over him; I did not see the defendant leave his seat; when he got hold of my muffler I swear he was sitting in the corner of the carriage.

Wm. Faulkner, who was a passenger in the carriage on the occasion, deposed that he saw the row commence as described, and saw Lynch go over, pull the defendant Benjamin Garrett off some person and push him back into his seat; the defendant jumped up and struck Lynch in the face, having at the time hold of either his coat or muffler Lynch then took hold of defendant by the hair and held his head down with both hands; and tried to take him to the window; Lynch asked defendant his name and whether he would strike a constable on duty; did not hear defendant say anything; did not see defendant catch hold of Lynch's shoulder straps or tear his coat ; defendant might have done so, but it was too dark for him to see.

Cross-examined by Mr Miller-The carriage was crowded and some were standing for want of room and some were trying to get out of the windows; there was no light at all in the carriage; it was not late enough to be perfectly dark; I could see to the other end of the seats; Benjamin Garrett, the

defendant, interfered with those who were rowing with James Garrett, and Lynch pulled off; Lynch was leaning over a seat when defendant struck him, and was not returning to his seat; the defendant was about three parts drunk; before the train started people were trying to get out of the windows because the carriage was so crowded.

Robert Cottam deposed that he was a porter at the Deloraine station; he was acting as assistant guard on the 15th inst. and was on the evening train; saw Lynch get out of a carriage at Hagley with his face covered with blood, but did not notice that his uniform was torn; Lynch made a complaint to him but he did not attempt to remove the defendant, as the carriage was too crowded; he could not report it to the guard, as the platform was crowded and there was not time before the train went on.

This concluded the case for the prosecution.

Mr Miller said that after the very fair manner in which Faulkner had given his evidence, it would not be necessary for him to say much, as Faulkner's statement was very nearly the same as what he had been instructed by his client: It was all very well for the manager to complain of anyone interfering with the comfort of railway passengers, but if the authorities themselves had only taken proper care of the comfort of the passengers this case would not have arisen; for everyone knows that to over crowd people into the carriages after a ploughing match or other meeting of that sort was sure to increase the elements of discord, and the occupants generally broke out in noise, and singing, sometimes leading to a row. Attention had been called before now to the insufficient number of carriages provided on holidays, and it was rather amusing after the passengers had been crowded into carriages like pigs to hear anyone talk about interference with the comfort of the passengers. He considered railway carriages should be like stage coaches; only allowed to carry a certain number. Lynch's statement, if true showed a very unprovoked assault, but it was contradicted by Faulkner's evidence, which showed pretty clearly the real state of affairs. The defendant saw his nephew overpowered by other men, and went to assist him; he was seized suddenly from behind and struck out, not a knowing who his fresh assailant was; he did not know it was Lynch who caught hold of him, and acted as most men would in the heat of the moment. However, the defendant was not charged with assault, but with interfering with the comfort of the passengers. Undoubtedly the disturbance interfered with the comfort of the passengers; but who began it. The authorities did, in the first place, by over-crowding the carriages, but the young men who commenced fighting were the prime case, and it was they who ought to have been summoned. However, he was content to leave the case in Mr Mason's hands.

Mr Mason said I concurred in a portion of Mr Miller's arguments, for he certainly thought the parties who commenced the disturbance were those who interfered with the comfort of the other passengers, and should have been summoned. It was a mitigating circumstance that the defendant only interfered for the protection of his nephew but he must have been very drunk if he could not recognise a constable in uniform. He thought also that the constable had exercised more force than he need have done; he thought it extremely improper for any constable to drag a man by the hair as Lynch admitted he did. The constable should have taken the man by the collar, or marked him so that he might identify him when they got to a station. Had it not been for these two mitigating circumstances, he should have fined the defendant heavily, as such conduct was not only annoying to the other passengers but detrimental to the interests of the Government, and through them to the general public. He considered drunkenness no excuse, and should fine defendant £1 and 14s Od costs, also expenses of witnesses 18s.

Mr Collins said the reason Benjamin Garrett had been summoned was because he was the only one a complaint was made against.

Mr Mason remarked to Mr Lord that in cases of this kind, where witnesses came into town in the interests of the Government and to suit the convenience of the manager, they should be allowed free passages by train, and he thought Mr Lord should represent this matter to the Government.

Mr Lord promised to do so.