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When Jockeys are Disqualified.

FOR THE OFFENCE OF PULLING.

The racing pony Plootee formed the subject of a District Court action before Judge Rogers yesterday. The parties were George Mansfield Gibson, horse-trainer, of Burwood-road. Plaintiff, and Samuel Boddy, upholsterer, of Parramatta-road, Five Dock, defendant, Plaintiff sued the defendant for that it was agreed between them that the latter should lease to the plaintiff the pony Plootee for a period of four months, upon the condition that plaintiff should pay all expenses of feeding, stabling, training, and racing the

pony, and should keep the pony in racing condition, accident and illness excepted; that the plaintiff should pay over -to defendant in 48 hours half of any prize money won; and that the pony should not be raced except in the metropolitan area. Plaintiff claimed to have fulfilled all these conditions, but alleged that defendant wrongfully broke -the agreement, and took the pony out of his possession during the term of the agreement, and refused to return it, whereby plaintiff had lost benefits that would accrue -to him, and had incurred great expense. Damages were claimed to the extent of £75.

By way of cross action the defendant pleaded that plaintiff did not pay all the expenses agreed upon, and - did -not pay over half of the prize money, won, whereby defendant had lost the profits that would have accrued to him, and had thereby suffered damages greater than those set forth 'In the pleadings and particulars of claim, and claimed £100.

Messrs. John Williamson and Sons appealed for the plaintiff, and -Mr. W. Carter Smith for the defendant.

The plaintiff gave evidence that on July 24 last he left the pony in the stable, and went for a walk.. ' Later in the day he met defendant leading the mare away, and asked him where he was taking her. Defendant replied, "I'm taking her to a better home. She is starved." The pony was rearing just then, and trying to pull away, whereupon witness remarked, "She must be starved by the look of her." He told defendant he should leave the mare where she was, but he refused. Since the date of the agreement the pony had won only £2 in stakes. That was at Appln, to which place the defendant gave him permission to take the mare,

A JOCKEY'S EVIDENCE.

One of the witnesses, a jockey, enlightened the court upon the penalty provided for "pulling" at a race meeting. This witness stated that he was promised the mount on the pony in question as soon as his disqualification was at an end.

In reply to his Honor witness said he was not under any disqualification now.

His Honor: What were you disqualified for?

Witness: Suspicious practice, your Honor. What was the suspicious practice?— Pulling.

That's nothing new in pony racing, is it?

Mr. Williamson: Nothing at all, your Honor, unless a jockey happens to strike the stewards when he does it.

His Honor (to witness): The stewards thought enough of your action to disqualify you. Would it be the stewards disqualify in every -case if they saw a horse being pulled?— If they had a couple of pounds on themselves they might.

Pony racing -is, I believe, not considered high-class sport, and I suppose -there are stewards and stewards.

Mr. Carter Smith: From what the witness says it appears that there are not stewards and stewards, but stewards only.

His Honor: According to this witness disqualification depends upon whether the stewards have anything on the horse themselves. Defendant In his evidence said he made several requests to plaintiff to return the pony. The plaintiff had often asked him for money for feed, and he always gave it. Last July he gave Gibson 10s for feed, but the latter went to the races and lost it. The pony was raced at Appln, which was contrary to the agreement, but he was not aware that the mare had been taken to that place. Plaintiff did not give Mm any of the £12 that he won at Appln. When the pony was brought home he considered that it had been starved.

His Honor found for the plaintiff for one farthing, but made no order as to costs.