

SUMMARY OF EVIDENCE BEFORE TRIBUNAL ON WEDNESDAY AUGUST 23<sup>RD</sup> 1939.PRESENT:

Messrs. S.H. Lewis, J.M. Jay and R.D. King.

The Secretary of the League was in attendance.

Umpire J.J. Quinn reported the Semaphore Central Club for brutal and vicious play against the University team, and constant disputing of his decisions combined with filthy language. He also included in his report mention of the conduct of the Semaphore Central supporters in using bad language and in coming on the ground at the three-quarter interval and menacing him, particularly referring to the Coach F.J. Herde.

J.J. QUINN:

In his evidence said that after an incident involving Heaton in the first Quarter things began happening behind his back which he could sense but not see. He heard University players complaining about rough tactics and saw several players with bleeding noses. After half-time things were moderately all right until an elbowing incident involving Woodhead and then Semaphore Central began playing a game which necessitated free kicks to University practically continuously. The ball was not the object pushing in the back, slinging around the neck, attempted tripping and every conceivable breach of the rules was indulged in by Semaphore Central. At three-quarter time he was near the centre of the ground when 20 or 30 supporters of Semaphore Central came out near him some seemed rather hostile and made abusive remarks. He heard Herde say "The \_\_\_\_\_. He clenched his fists and made a movement towards me – someone said "Leave him alone, he'll have the Police on us." The last quarter was the worst he had seen in his football experience. University players were dealt with and maltreated in every possible way. Most deliberate incidents took place after the ball had gone on. Incidents were so numerous that he thought of stopping the game. There were too many instances to be reported individually. Barrackers had become increasingly abusive. After an incident on the grandstand wing he had to stop the game and order spectators off and he had filthy vile language hurled at him – one remark was "You d----- b-----. We hope you b----- well die, you grey headed old b-----. Semaphore Central still continued playing viciously, pushing in the face etc. He said he made up his mind to protect the University players who were all playing clean football and never retaliated.

DR. RUPERT MAGAREY:

Was at the match for the last half of the game. He thought the third quarter all right, but after a few minutes of the last quarter had gone the game degenerated into a riot seemed to him that several members of Semaphore Central team lost their heads. He saw vicious assaults on several occasions attempting to throw the man tripping pushing the man after ball had been kicked. He heard no bad language from supporters or players only hoots and yells. Incidents were very frequent and it would have been difficult for the umpire to have reported individuals. About half the team were not playing the game. He said he had been interested in Amateur League football for a long time, and he was very disgusted. He thought this was worse than any other football he had seen that some of the players should not be allowed to play Amateur football again. He thought University players were remarkably restrained that under similar circumstances he would not have been so restrained if University players had retaliated there would have been a free fight. The umpire was strict but rightly so he felt that game would have got completely out of hand but for his strictness. He formed the opinion that the umpire was not the cause of it, but Semaphore Central found they could not win and lost their heads.

B. A. MAGAREY:

Had played for Varsity in the game he could support the charge of viciousness and bad language the Semaphore Central players simply went for Varsity players nearly all in at times umpire was strict but they waited until ball and umpire had gone on. Tripping, pushing and scragging went

on he had never seen football like it before nothing could justify such roughness he had never seen his teammates keep their tempers so well he heard players using menacing phrases to his players not the whole team involved but more than a few probably ten men.

M.W. EVANS:

Coach of University said he was in the Pavilion one spectator tried to get on the ground last quarter some Semaphore Central players ran riot perhaps four or five lost their heads. University players did not retaliate there were many instances of manhandling tactics the umpire handled a delicate situation very well.

J. J. RICE:

Captain of University said that he heard much more bad language than usual on the field. Semaphore Central players were urging one another to bowl Varsity players over, etc. Game was unusually rough - charging was indulged in - boots up when going for marks. Magarey pushed in face after ball had been kicked - nothing in umpiring to cause hostility - not all players were concerned at least half the team - their captain seemed to do nothing to stop the trouble not conduct expected in Amateur League. His sixth season with University and his most unpleasant match.

A. SAMUELS:

Semaphore Central said that the moral standard of club was as high now as ten or twelve years ago a few players in his team would be well without he was in stand until halfway that afternoon. He remonstrated with a spectator who had hurled a remark at Quinn he saw no pushing in the back or slinging around the neck heard Quinn say to Woodhead and Dawkins that they were reported when game was stopped for a little while and saw no fighting and thought match was of usual standard said he had never encouraged bad language in the team at least ten players had said that they had not spoken to Quinn thought Quinn was physically unfit to umpire. Something did happen to which he had objected a woman in the grandstand passed a filthy remark which had probably been heard by Quinn's wife. Mr. Samuels said that if she was not kept away from future matches he would withdraw his support from the club. He did not remember Quinn ordering spectators off he had seen a former club official in a leather over-coat near the boundary when play was held up. (When it was suggested by the tribunal that this might be Marten, Mr. Samuels merely smiled).

A. J. INGLIS:

Goalkeeper of Semaphore Central said that in his opinion the game contained more scrimmages than usual, consequently there had been more breaches of the rules which the umpire might miss when scrimmages occur players get ruffles and play gets rough. He did not think play in this match was unduly rough no fights just bump for bump, when play was held up he saw Quinn go over to some spectators heard a few remarks during the game probably some words should not have been said. He said he had told Ligertwood that he did not like the play was disappointed after incident when play was held up his players did not seem to try he did not think they vented their spite on the University players. He did not agree with players arguing with or abusing the umpire and he never did it.

Signed H.V. Millard

*H. V. Millard*

SUMMARY OF PROCEEDINGS OF MEETING OF TRIBUNAL HELD AT THE Y.M.C.A. ON WEDNESDAY AUGUST 23<sup>RD</sup> AT 8 p.m.

PRESENT:

Messrs. S.H. Lewis, R.D. King and J.M. Jay.

The Secretary of the League was in attendance.

HEATON

Of Semaphore Central was disqualified for one match for deliberately tripping a player.

WOODHEAD:

Of Semaphore Central was disqualified for two matches on charges of elbowing and disputing umpire's decision.

SEMAPHORE CENTRAL CLUB:

Was disqualified for the remainder of the season on a charge of unseemly conduct of its team and supporters in this match against University, on Saturday, August 19<sup>th</sup>.

In a lengthy summing up, Mr. Lewis said that Umpire Quinn's report was amply justified. In finding the charge against the club proved the Tribunal was throwing the responsibility for the conduct of the team and supporters on to the Club. Semaphore Central had been involved in quite a lot of trouble during the season; it had had several players reported; the Tribunal had found it necessary to previously disqualify its main executive officer, the Secretary Marten and its Coach had been reported in the present charge and he had served a term of disqualification two years ago.

Signed H.V. Millard

*H. V. Millard*

SUMMARY OF PROCEEDINGS OF EXECUTIVE MEETING HELD AT THE Y.M.C.A. ON FRIDAY AUGUST 25<sup>TH</sup> 1939 AT 7.30p.m.

PRESENT:

Dr. D. McKay, Messrs. D.L. Richards, C.G. Tideman, K.D. Tait, G.P. Wilson and H.V. Millard.  
An apology received from A.M.D. James

DISQUALIFICATION OF SEMAPHORE CENTRAL CLUB:

The Secretary reported the Tribunal had, on Wednesday night disqualified the Semaphore Central Club for the remainder of the season. Umpire Quinn had reported the Semaphore Central Team and its supporter for unseemly conduct during the match against University at the University Oval on Saturday 19<sup>th</sup> August. The Secretary said that he felt certain the Tribunal had only meant disqualification for the club and players from Amateur League and that the players would be eligible to play in any other competition, with the exception of Heaton and Woodhead, who had been disqualified individually. The members of the Executive agreed with this interpretation of the disqualification. The Secretary read letters from the Mayor of Port Adelaide and the Semaphore Central Club against the decision of the Tribunal. Messrs. H. Dunchue, A.G. Holman, F.L. Heritage and A.J. Inglis were admitted at this stage, and the members of the Executive went through the letter of appeal point with these delegates. Mr. Dunchue in

supporting the appeal stressed the severity of the sentence on innocent players. Messrs. Heritage and Inglis also spoke. The Semaphore Central delegates then retired and after a discussion it was decided it was to grant the club leave to appeal to endeavour to prove the statement alleged to have been made by Quinn that he had put the Semaphore Central Football Club in the position he wanted it. The delegates were recalled and informed that leave to appeal had been granted and that the Executive would meet again on Tuesday 29<sup>th</sup> at 7p.m. when the Club would produce the person or persons to whom the alleged statement was made. The Secretary asked the Executive to give a ruling on the composition of the final four should the appeal be dismissed, and it was decided to allot two premierships to Exeter for the game which had been set down for August 26<sup>th</sup>, and that the second team would take the minor premiership and the fifth team fourth place.

OVALS:

The Secretary said that he had experienced great difficulty in securing ovals for the semi-finals which would commence on September 2<sup>nd</sup>. He said that he would report further on Tuesday night.

SMOKE SOCIAL:

In view of the financial position of the League it was decided to recommend to the League that no smoke social be held this year.

Signed: H.V. Millard

*H. V. Millard*

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SUMMARY OF PROCEEDINGS OF EXECUTIVE MEETING HELD AT THE Y.M.C.A. ON TUESDAY, AUGUST 29<sup>TH</sup> 1939 AT 7 pm.

PRESENT:

Dr. D.G. McKay, Messrs. D.L. Richards, C.G. Tideman, K.D. Tait, G.P. Wilson and H.V. Millard. An apology received from Mr. James.

SEMAPHORE CENTRAL APPEAL:

Messrs. H. Dunchue, A.G. Holman and A.J. Inglis were present representing the club, and Umpire J.J. Quinn was also admitted to this meeting. Mr. Dunchue called the following witnesses in order to prove bias against the club by Quinn:-Messrs. Frost, Robinson and Allen who made statements to the effect that Quinn had allegedly said on the Thursday following the disqualification that he had made the Semaphore Central Club he was the mean of getting them in to the League, and now he had got them out. Quinn denied making such a statement. Quinn called E.C. Gyss, an umpire and Mr. Rutter to endeavour to prove that his state of mind was not antagonistic to Semaphore Central. After a lengthy discussion the Executive made the following finding If the statements were made, and we make no finding as to whether they were made or not, then we consider that they are not sufficient to establish bias on the part of Quinn and accordingly we dismiss the appeal.

Signed H.V. Millard.

*H. V. Millard*

MINUTES OF MEETING OF THE DELEGATES HELD AT THE Y.M.C.A. ON TUESDAY AUGUST 29<sup>TH</sup> 1939

PRESENT:

Dr. D.G. McKay (President), Messrs. D.L. Richards, (Chairman), C.G. Tideman, (Hon.Treas) and H.V. Millard (Hon.Sec.).

Club representation was as follows:-

Underdale - E.A. Moore  
 Exeter - E.P.Nazer and K.D. Tait  
 Col. Light Gardens - A. Walker and V.C. Short  
 University - W.J. Betts and P. Kleinschmidt  
 St. Peters O.C. - L.G. Wilson and P.A. Ricken  
 Prince Alfred O.C. - R.C. Stephens and R.G. Johnston  
 Payneham K.W. - Hardy and G.W. Breaker  
 Railway Inst. - D.P.Giles and M.W. Venning  
 Kenilworth - H.W. Main and H.A. Whitrow  
 Alberton C.U. - B. Garrick  
 Teachers College - V.R. Raft  
 Scotch O.C. - W. McPherson, and D.L. Magarey  
 Kings O.C. - P. Johnson.  
 University - A.R. Magarey  
 Pulteny O.S. - G.P. Wilson. Banks R. Hooper  
 Y.M.C.A. - C. Bennett  
 Walkerville and Christian Brothers O.C. were not represented.

MINUTES:

Minutes of previous Meeting were read and confirmed.

SEMAPHORE CENTRAL DISQUALIFICATION

The Secretary read a summary of the proceedings of the tribunal meeting held on Wednesday 23<sup>rd</sup> when the Semaphore Central Club was disqualified until the end of 1939 season.

Dr. McKay explained that the appeal to the delegates would be heard under the old Constitution rule concerning appeals, because of a doubt in the mind of the Leagues Solicitor that the present Constitution contained sufficient provision for the hearing of an appeal from a disqualified club. The decision on the appeal would thus be decided on a majority vote. He suggested that the present rule should be amended before the season ended.

Messrs. Dunchue and Holman (delegates) and Inglis were then admitted to the meeting to state their view.

Dr. McKay read the evidence which the Secretary had recorded at the Tribunal Meeting held on August 23<sup>rd</sup> also the minutes of the Executive Meeting held on August 25<sup>th</sup> and reported on the Executive Meeting held before this meeting which had considered the appeal. In declaring the subject open for discussion he informed delegates that the strict law of debate would be observed.

M. Dunchue put the case for his Club and was supported by Mr. Holman. Delegates who spoke were Messrs. L. Wilson and K. Johnson against the appeal were Messrs. H.E. Garrick and N.P.Nazer supporting the appeal. Mr. Dunchue was permitted to reply.

Dr. McKay in summing up said that the League granted the Tribunal investigating charges and making findings. The Tribunal in this case had seen the witnesses and heard the charges. Semaphore Central had notice of the serious nature of the charges, and had ample opportunity of answering them. In view of this the League should hesitate a long time before saying that the

Findings of the Tribunal were wrong. Further evidence had been investigated by the Executive and the members of this meeting had heard the findings of that Committee. As regards the penalty he went on to say that the League had invested the Tribunal with the power of fixing, within certain limits, the penalty for offences. Within certain limits the discretion of the Tribunal was absolutely unfettered.

The point for determination was not whether the League, if it had been fixing the penalty in the first instance, would have imposed the same penalty, but whether the League could say that the penalty fixed by the Tribunal was manifestly too severe. In other words the mere fact that the Delegates feel that they might have possibly come to another conclusion was no grounds for interfering with the conclusions of the Tribunal which heard the witnesses, unless these conclusions were so manifestly wrong that no reasonable person could have so decided. If the League was going to modify the penalty for any but strong reasons then it was no use the Tribunal, as far as a Club was concerned, fixing any penalty at all.

Dr. McKay concluded by asking Club delegates to set aside Club interests and prejudice, and to vote on the merit of the case as they saw it. A ballot was taken and the appeal was dismissed by 20 votes to 5.

#### UMPIRES REPORT:

Christian Brothers O.C. fined 5/-no boundary umpire.

#### FINANCE:

The Treasurer reported a credit balance at the Bank of 216.5.1. the Secretary was instructed to write to C.B.O.C. in connection with an outstanding amount of 5.15.0. (5.0.0. call and 15/- fines). Mr. Tideman said that he would be absent from Adelaide on vacation from September 2<sup>nd</sup> and he suggested that Mr. K.C. Stephens be appointed acting Treasurer, this was the subject of a motion which was carried.

#### FINAL GAMES:

It was decided to charge 6d. and 3d. for admission to final matches. Further decided that the regular gate-man be employed at the various Ovals for such final games.

The Secretary said that the Grade A2 had been arranged for Saturday September 2<sup>nd</sup> on the following grounds.

Mortlock Oval	-	Kenilworth V Teachers College
Kenilworth Ground	-	Alberton C.U. V Pulteney O.C.

He suggested that because of the difficulty of obtaining ovals and because of the absence of Railway Institute in Melbourne the Grade A1 finals be both played on September 9<sup>th</sup>.