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CRASH AT ARCHERFIELD. Claims Before Court. BRISBANE, June 14. Further evidence was heard today before Mr, Acting Justice Graham and a jury in the case of Frederick Norman Masters, of Greenslopes, Brisbane, aircraftsman, who is suing John Charles Dyson, of St. George, grazier, for £573 damages. It was stated that Dyson, through negligence at Archerfield aerodrome on December 14 last, damaged an aeroplane owned by Masters. Dyson denied negligence and detailed physical injuries he had received in a crash, and the expenses he had incurred for medical and dental treatment. He counter-claimed £500. Alexander Mackle, of Holland Park, electrical mechanic, giving evidence for the plaintiff, said he held an A class pilot's licence for 18 months, and he flew regularly at week-ends. He was at the Archerfield aerodrome on December 14, and remembered an aeroplane crashing. Witness went up in Masters's 'plane about 10.45 a.m. and was up 15 minutes, and after landing he saw Dyson come along. Masters did not open the cowl. Dyson took off normally, completed one circuit, 'and came in at the southern end of the aerodrome, at a height of 250 or 800 feet. Witness at the time was glancing up and watching other aeroplanes, and he noticed this machine in a very flat glide-so flat that he could hardly see the surface of the wings at all. That phenomenon caused him to watch it. He noticed it was in a very stalled condition. Next it slewed to the left, completed two turns of a spin, straightened momentarily, and dived into the ground. "I was not aware," witness said, "that it was our machine until it had almost hit the ground." The speed of the aeroplane before it fell was stalling speed. Mackle stated that he ran to the scene of the crash, and called out to Dyson, asking him what had happened. Dyson said something about the cowl flapping. Not understanding fully what he meant, witness immediately went to try to ascertain what had happened. He had a good look round, and could not see anything. He found all the cowl securely fastened. Mr. O'Sullivan: Were any cowls buckled at all?—Badly buckled. Witness added that the weather conditions at the time were excellent for flying. Cross-examined by Mr. Bennett, Mackle said he did not regard himself as a faultless flier. He would not agree with Masters that it was generally a well-recognised thing at the 'drome that he was in partnership with Matheson. Witness was never given to understand that. He was given to understand by Masters that they were not in partnership. December 14 was not a hot, sultry day. The sky was overcast. It was warm and close, but "not real warm." If it was warm and close that would be sultry. Mr. Bennett said he would agree to the weather chart going in. He tendered the report of the Divisional Meteorologist. The case for the plaintiff was closed. Mr. Bennett told the jury that aviation very strongly appealed to young men and women of the West, for they saw in it something that might alleviate the hardship of distance. Mr. and Mrs. Dyson were interested in aviation, and when Captain C. C. Matheson visited St. George in June, 1936, they flew with him and had "a taste of a little dual." According to counsel, Matheson and Masters, in April, 1936, had a conversation, and definitely arranged to go into business together as partners. Masters was to supply the machine and Matheson the instructional ability and experience, and his personal goodwill in that he had a following of young men who were learning to fly. Counsel remarked that Matheson's policy had been that the school took the risk, that the school must give the pupil instruction and advice and only allow its pupils to fly in suitable conditions, and that, if there was any crash, then the school was at fault, because the school should have seen that a pupil had the requisite skill and the right machine properly equipped. Mr. Bennett indicated that the defence had to prove that there was a partnership existing between Matheson and Masters, that they carried on business in common with a view to profit, and that Matheson went to St George with an idea of recruiting pupils. That was the situation that brought about the meeting of Dyson and Matheson. After their flights, the Dysons discussed taking a course of flying, and Dyson inquired, "What happens if we crash?" Counsel said that Matheson replied, "Oh, that is our pigeon." The Dysons came to Brisbane in August last year, and they told Matheson they would like to get as much training as possible while they were in town. Matheson said there was no time like the present, and they had some dual instruction. On August 21, Matheson introduced Masters to the Dysons, saying, "My partner." On November 15, Mr. Bennett explained, Mr. and Mrs. Dyson saw Masters, who said to them, "Charlie and I have had a split." The Dysons said that was a pity, as they wanted to continue training. Masters told them he had now Hillier as an instructor, and they resumed their course under Hillier's

tuition. After Dyson ascended In the aeroplane about 11 a.m., on December 14. Mr. Bennett declared, he noticed the port cowling flapping In his line of vision. That was definitely disconcerting for Dyson. When coming down normally he hit a pretty severe hump. A current threw the nose o the machine slightly up. Then he got the nose down, and another up current got him, and threw the ma chine upwards into the air. Dysoe was done for because the seconS bump destroyed his flying speed. Charles Curet Matheson, of New Farm. flying instructor, weas giving evidence when the Court adjourned until to-day. Sfr. Brian O'Sullivan (instructed by Messrs. Leonard Powet and Power) appeared for the plalntlff, and Mr. A. L. Bennett finstructed by SMr. C. mInsey nn C~t? e the '5. .rendant. wing buying pover into the open.