



## *Damages against a Farmer's Son*

An action in which £284 6s 5d was claimed as damages for personal injuries caused through alleged negligence in driving a motor cycle, was continued at Bristol Assize on Saturday, before Mr Justice Rowlatt and a common jury. The plaintiff was Mr H R Dodge, member of the firm of L P Dodge and sons, house furnishers, etc, of Frome, and defendant was Mr W S C Newman of Church Farm near Trowbridge. Mr E H C Wethered (instructed by Mr F E Metcalfe) was for the plaintiff, and Mr Holman Gregory, KC, and Mr F E Weatherly (instructed by Messrs Wansbroughs and Co) defended.

Mr Wethered in opening the case on Friday, said the accident happened at the bottom of Seend Hill, where there was a corner, and the plaintiff's allegation was that defendant, who was riding a motor cycle with sidecar, cut the corner too sharply and so caused the collision. One of the results of the case was that plaintiff was taken to a nursing home. Tetanus set in and he was one of the very few people who had recovered from the affliction, which was a remarkable testimony to the excellence of the treatment he received at Bath.

Mr William Walter James Selby, living near Westbury, Wilts, the driver of a motor bus, spoke to seeing Mr Dodge fall from his machine. He did not see the collision as he had been picking up a passenger. Mr Newman had passed him, going about 15 miles an hour. He described in detail the position of Mr Dodge's cycle after the collision. Mr Newman was about five or six yards away from where the machine was lying. He heard Mr Dodge say "Do you want all the road?" Mr Newman did not answer.

Cross examined: after Mr Newman overtook him, witness did not notice if he drew in to his near side again.

Mr William Keen, coachman living at Cleeve House Lodge, about 100 yards from the scene of the accident, also saw Mr Dodge fall from his machine. He said he found Mr Dodge's bicycle was tipped over, the handles in the middle of the road and the wheels on their proper side, about two to three feet from the bank.. Mr Newman was standing by his sidecar, about five yards in front. The sidecar was in the middle of the road. Mr Dodge told witness "the other fellow was on the wrong side".

Mr Webb, one of the patrols of the Automobile Association, who was on the scene a quarter of an hour after the accident, and PC Ford also gave evidence as to the machines and the road.

Mr Holman Gregory said that in this case, as in many others, they would have an exact contradiction. His client would say that instead of the accident happening as the plaintiff said, he (Mr Newman) left his farm to go along quietly to pick up someone, allowing himself three quarters of an hour to go to Seend. He passed the bus, and drew in again, and saw the plaintiff coming for some distance. The

plaintiff was riding at a terrific pace. Apparently he did not notice the defendant, and came crashing into him on his wrong side.

Dr Hey Groves, who examined the plaintiff on Wednesday, said he had a slight deformity of the right hand, a little thickening of the bone, and some weakness in the movement of this thumb and first two fingers. Witness thought in course of time he would recover full use of his hand. In regard to the foot, there was a scar and some stiffness of the great toe. The prospects of recovering from that stiffness were good.

The defendant, giving evidence, said he was a farmer's son and rode a motor bicycle combination. He saw the plaintiff approaching at a terrific pace. As witness approached the corner he was going about 10 miles an hour. And was about 18 inches from his proper side. He estimated the plaintiff was going about 30 miles an hour. The plaintiff saw witness, and, finding he could not steer round, he started wobbling, and just touched witness's handle bars. The plaintiff went 4 or 5 yards on. Witness was on his proper side. No damage was done to defendant's machine except the twisting of the handle bar. It was some way from the corner that the accident happened.

Edward Reeves (Devizes) said he was walking with two friends near the Bell Hotel down Seend Hill, and a motor cyclist passed them going a very fast pace. A little further on they found there had been an accident, and saw the machine on the ground.

Thomas Weston, who was with the last witness, said he reckoned the cyclist was going over 30 miles an hour when he passed them. He recognised the machine on the ground by a parcel at the back.

The Judge in summing up said the case was in small compass and did not so much depend on speed as speed but upon the course the drivers were taking. The evidence of people who actually saw the accident was slight.

The jury found for the plaintiff, and awarded the £215 special damaged claimed, with £100 for suffering and pain, making £315 altogether, and his Lordship gave judgment accordingly.

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