



# Crime and Punishment

## *Minety*

### **Court Case**

#### **Charles William Martin, Herbert Vizer, George Marshall Clarke and Austin Clarke**

#### **13 Cows in a Lorry, Police find one dead.**

Allegations that 13 fat cattle were so packed in a transport vehicle as to cause the death of one were made at Evesham County Petty Sessions yesterday, when summonses of overloading cattle, thereby causing unnecessary suffering, were heard.

The defendants were Charles William Martin, of North street, Winchcombe, driver of the lorry concerned, and Herbert Vizer, of Sawyer's Hill, Minety, Wilts, the driver's mate.

Summonses for aiding and abetting the offence were preferred against George Marshall Clarke, of The Villa, Minety, and Austin Clarke, of Flistridge Farm, Minety, the lorry owners.

Martin was fined £1 including costs, and Vizer ordered to pay 4s costs on the charge of causing unnecessary suffering to the cattle by overloading, while George Marshall and Austin Clarke were fined £5 each and ordered to pay £3 12s 6d costs for aiding and abetting.

In the case of moving cattle into an infected area, Martin was fined 10s, and for permitting the offence, George Marshall Clarke was fined £1.

Mr H O Roberts prosecuted on behalf of the R S P C A, and Mr C J Lewis appeared on behalf of the Clarks in all the cases in which they were involved and entered pleas of not guilty.

Neither Martin nor Vizer was represented, and both pleaded guilty to the charges against them.

Evidence was given that PC Elston (Sedgeberrow) stopped the cattle vehicle on February 7 in the parish of Hinton-on-the-Green, near Evesham, during the period when that village was included in the foot-and-mouth disease infected area.

PC Elston stated that he stopped the vehicle, which Martin was driving, and pointed out to him the offence he was committing.

Defendant G M Clarke, on oath, said that he told his driver Martin to inquire at Cirencester as to whether or not his route lay in an infected area.

If it did, he was to take another route through Stow-in-the-Wold.

Martin denied this and stated that his employer informed him that the outbreak was at Comberton and not at Conderton, and that the route through Evesham was clear.

This was corroborated by Vizer.

The cruelty cases were then heard.

PC Elston told the court that after stopping defendant Martin on the main road he ordered him to drive to a side road, where they unloaded the cattle.

One cow was dead and another was down and unable to rise. The remaining 11 were covered in sweat.

Inspector P S Quigley, of the R S P C A (Cheltenham) told the magistrates that he was called to the lorry where the cattle had been unloaded. He corroborated the police officer's evidence, and stated that the cattle were all fat cows.

The bed of the lorry was given as 21ft 4ins long by 7ft 6in wide, and Inspector Quigley said he estimated the width of each cow as between 2ft 6in and 3 ft, and the average weight as between 11 and 13 cwt each.

John Lester Brain, a veterinary surgeon, of Cheltenham, gave evidence of performing a post mortem examination on the deceased cow and stated that it died of haemorrhage, probably caused by crushing or by being trampled upon.

Martin said that his instructions were to transport 13 cattle from Cricklade to Derby. The journey was over 100 miles.

He had several times stopped the lorry to examine the cattle and had noticed that one was down, He was looking for a place to stop and get it up again when the police officer stopped him.

"You have to use more skill when moving cattle than when moving human passengers," Martin said.

George Marshall Clarke stated that the load was left entirely to the discretion of the driver as regard the size of the animals being transported.

Austin Clarke said that the lorry was specially made to carry 14 cows.

He had never had similar proceedings against him and had never had a cow die in similar circumstances before.

He denied that they were all fat cattle that were being transported.

Before retiring to consider their decision, the magistrates carried out an inspection of the lorry, which was brought to the police station.

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