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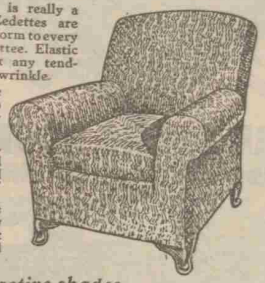

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THE NON-STOP CAR TRAGEDY

Coroner Commits Man for Trial on Manslaughter Charge

Story of a Visit to a Nurse

After an inquest lasting altogether more than 7½ hours, spread over two days, a Dover jury yesterday (Thursday) returned a verdict of "Manslaughter" against Sidney Vincent Kelly, a local A.A. Port Officer, of 25, Prioress Walk.

Following the verdict, Kelly was bailed in a personal surety of £50 and one other surety of £50, to stand trial at the next Kent Assizes.

The jury found that Norman Mayne, a 66-year-old retired painter, of "Kenwyn," Sandwich Road, Whitfield, was killed in a collision with a car driven by Kelly in such a manner as to constitute "reckless disregard of life."

Mr. Mayne was killed, a few yards from his home, on August 9th, by a car which did not stop.

A story of how Kelly, a married man, visited a nurse at Whitfield, in a borrowed car, on the night of the fatality was related when the inquest—previously adjourned—was resumed on Wednesday.

After a hearing which lasted five and a half hours the Coroner (Mr. J. A. Johnson) adjourned the enquiry until Thursday saying, that justice was not always best administered at a late hour of the evening, when those who had to administer it were tired.

At the outset the Coroner warned the jury that Mr. Kelly might be referred to as the driver of the car involved, but he understood that Mr. Kelly did not admit that.

Ultimately, therefore, there would be two issues before the jury—who was the driver of the car involved in the accident, and the nature of the driving of that car, whether driven by Kelly or not.

Before taking any evidence, the Coroner suggested to Mr. N. W. S. Mitchison, who represented Kelly, that his client should come up from the back of the Court so that he could personally hear all the evidence.

The first witness was Frederick Roland Prescott, of 28, Elms Vale Road, Dover, a transport fitter, who said that he had known Sidney Kelly four to five years.

On Wednesday, Aug. 9th, witness attended a meeting of the Dockyard Social Club at the Oddfellows Club, Pencester Road. He went there about 8 p.m., and Kelly was there when he arrived. They left the hall together at approximately 9.10 p.m., in witness' car a 1936 Austin 10, registration number DNO341.

"A CALL AT WHITFIELD."

Kelly drove the car in pursuance of an arrangement between them that when they were together, as they frequently were, the last one out drove. They drove down Pencester Road and along Maison Dieu Road to Liverpool St., round the Monument and through the Market Square to the Metropole Bars. As they pulled into the kerb there a car, which had been stationary, started to move, and caught the rear nearside wing of witness' car, which was damaged by the impact.

The witness continued that, after a conversation with the driver of the other car, witness and Kelly went into the Metropole Bars, where they had two pints of beer each. They left together, between 9.30 and 9.40 p.m., he thought.

"As we came out of the Bars Kelly said he would like to make a call at Whitfield, and I told him to take the car and pick me up later," Mr. Prescott said.

The arrangement was made that Kelly should pick him up later at the Oddfellows Club, and Kelly thereupon drove off alone in the direction of Whitfield.

Questioned by the Coroner, witness said that apart from the slight damage to the mudguard the car was in perfect condition. There was glass in both headlamps, and there were no dents in the coachwork, the body having recently been re-sprayed.

The Coroner: At the time had you any reason to think there was any trouble with the headlamp switches?

Witness: The evening before I noticed that the dipper switch did not operate first time, but with an extra stamp on the pedal it would work.

Asked about the glass in the headlamps, Prescott said he had never been sure, but had the impression that the glass was not the same in the two lamps.

Kelly, he said, came back to the Oddfellows Club, at about 10.40 to 10.45 that night. Kelly was alone in the car, and witness immediately got in, not paying any particular attention to the condition of the car. They drove to Kelly's home at 25, Prioress Walk. Either on Crabble Hill or just as they turned off, Kelly switched on the headlights, having previously remarked that the dipper switch was not working. Witness explained that it was necessary to give the switch an extra kick. Nothing more was said about it, and witness noticed nothing wrong with the lights. Nothing was said about an accident.

After Kelly had gone into his home, witness drove away, and parked the car in a friend's backyard in Folkestone Road. He did not examine the car. The yard was behind the house and out of sight of the road, but there were no gates to protect it. He left the ignition key so that the householder could move the car if he wished.

The following morning he went with his wife to collect the car at about 7.30. He did not think the car had been moved during the night. He was pointing out the damage to the rear mudguard when his wife saw a piece of glass on the nearside front wing. They examined the car then and found that the near side front wing was slightly damaged and the nearside headlamp slightly back and the glass missing. The headlamp bulb was still in position, but had fused.

"I thought he had chopped a post or a tree, and I intended having it out with him that evening," Prescott said, adding that he had an arrangement to meet Kelly again later that day.

WENT STRAIGHT TO POLICE.

During the lunch hour, because of what he had heard, he made a further inspection of the car. He found a circular dent in the nearside upright of the driving screen. About the dent was what looked like hair.

"I was told a man had been killed, and I went to the Police Station straight away," Prescott said.

As the Coroner was continuing to question him about his visit to the Police and whether he took the car, Prescott, who had been an hour in the witness box, collapsed, and was carried from the Court by Chief Inspector Young.

While Mr. Prescott was recovering in the fresh air outside, the Coroner called Dr. George E. Turfitt, Deputy Director of the Metropolitan Police Laboratory, who gave evidence of receiving a number of articles from Det.-Sgt. Lilliott.

They were, an envelope labelled "fibres, taken from nearside pillar of DNO341"; a tube labelled "glass found on front nearside wing"; an envelope labelled "glass found at scene of accident"; a package labelled "Lucas headlamp glass"; a headlamp labelled "nearside headlamp of DNO341"; and a parcel containing a cap, labelled "clothing worn by deceased at time of accident."

Dr. Turfitt said that he assembled some of the pieces of glass said to have been found at the scene of the accident, and discovered that they formed part of a glass identical in pattern and dimensions with the Lucas headlamp glass sent him. He produced a photograph of the assembled pieces.

The glass labelled as having been found on the wing of the car comprised several small splinters, and witness also found several splinters still adhering to the rim of the headlamp. He compared those two lots of fragments, and they were analytically identical, not only with each other but also with the glass labelled as having been found at the scene of the accident.

The cloth cap, witness continued, was composed of wool fibres of four different types. The fibres in the envelope sent to him were identical in texture with the fibres of the cap, and had the same colours. He came to the conclusion there was complete agreement between the cap and the fibres in the envelope.

Dr. Turfitt added that he had that afternoon examined the car, and, in the paintwork of the dent on the nearside pillar was the imprint of a woven fabric similar in texture to that of the cap.

"I should imagine," the Coroner observed, "that it requires great force to leave an imprint of fabric on such a surface."

"Whatever has left the imprint must have been hit extremely hard" Dr. Turfitt, replied. "There is no doubt about that."

Mr. Prescott then completed his evidence, saying that, when he went to the Police Station, he had not seen Kelly. He handed his car over to the Police, and told them all he knew of the matter.

Replying to Mr. Mitchison, witness said that Kelly's demeanour outside the Metropole Bars was normal — "happy go lucky" — and there was no change when they met again later outside the Oddfellows Club.

Witness agreed that the reflectors of both his headlamps were poor, the nearside one being so bad that it was impossible to tell inside the car if the lamp was alight unless the offside lamp was cut off by the dipper. He used the headlamps when he drove home from Kelly's house, but did not notice anything wrong with the nearside lamp. He tried the dipper, but it did not operate the lamps.

Asked by Mr. Mitchison about the suspension of the car, Mr. Prescott said he had had new shock absorbers fitted front and rear, but the front ones had been adjusted for rough ground. In consequence, on good roads and with only one person in the car, any bump was much more noticeable.

In reply to Mr. G. H. Youden, who appeared for the insurers of the car, witness said the owner of the other car involved in the accident outside the Metropole Bars had agreed to pay for the repairs, and he attributed no blame to Kelly for that accident.

NURSE'S EVIDENCE.

Miss Cecile Mabel Etheridge, a District Nurse and Midwife, of "Hope Cottage," Whitfield, stated that she had known Kelly for about three years.

On the evening of August 9th, she said, she was alone at home. She was not expecting Kelly, but thought he might call, and was not surprised when he did so. He arrived between 9.30 and 10 p.m., but she could not say the exact time because she was extremely busy. She fixed the times by the radio programme which was on.

Kelly, Miss Etheridge said, left about 10.30 as near as she could say. He was alone. She knew he had come by car, but she only caught a glimpse of it as she opened the door because it was on the other side of the road. Kelly seemed to be his normal self, and was quite cheerful. He made no reference to an accident. As he was leaving they arranged to have coffee the following morning in Dover.

This meeting took place in a cafe in Townwall Street. They had met for coffee over fairly lengthy intervals. Nothing was said at this meeting about any accident the previous night.

Mr. Youden: In fact, Mr. Kelly was of the same demeanour as the previous evening?

Witness: Yes.

Dr. V. H. Bowers, County Pathologist, who had given evidence at the previous hearing, was recalled while his deposition was read to the jury, to the effect that a post mortem examination showed an extensive fracture of the skull consistent with a severe blow on the back of the head. The cause of death was the fractured skull.

Mrs. Lilian Eleanor Lines, of "Newcastle Inn," Ewell Minnis, next gave evidence, saying that about 9.40 p.m. on Wednesday, August 9th, she was driving her husband's car along the Sandwich Road at Whitfield towards Dover. It was dark, but it was a fine night. There had been some rain, but she thought the road surface had dried. Her headlamps were on, but dipped.

"There was very little traffic about, but one car came from the opposite direction with its headlights full on," Mrs. Lines said. "They blinded me. I remember seeing two headlights and two sidelights."

CAR ZIG-ZAGGED.

Asked by the Coroner if she saw anyone walking in the road, Mrs. Lines said she saw no pedestrians. As the car got nearer to her—possibly 200 yards away—its offside light went out.

"The car began to zig-zag towards me," witness continued. "I swerved to my nearside to get out of its way, and stopped. I thought at first we were going to hit head on.

"He seemed to lose control. I heard a sound of breaking glass when we were only a few yards apart and I was practically stationary."

The Coroner: Did you hear any other sound?

Witness: Yes, like women talking and laughing. The people in the car appeared to me to be laughing.

When Mr. Mitchison asked that the Coroner should record that the witness had mentioned women's voices, Mrs. Lines said, "There definitely seemed to be a woman in the car."

The Coroner: Do you say that because of what you saw or what you heard?

Witness: It sounded like a woman's laugh.

You did not look to see if there was a woman in the car? You did not notice how many people there were in the car?—No, my mind was on keeping out of the way.

In reply to further questions by the Coroner, witness said she saw no one knocked down. The car continued without appearing to slacken speed. There were three passengers in her car. Two got out immediately, while witness turned the car round with the object of following the other car. But it had disappeared by the time witness got her car turned, and they could not find it.

Questioned by Mr. Mitchison, Mrs. Lines said she thought the other car was a light coloured one of an old type. She turned to follow the other car because, on looking out of the window, she saw the man lying partly on the grass verge at the other side of the road.

After an adjournment for tea, evidence was given by Alto Bloomfield, a fitter, of Hawthorne Cottage, Ewell Minnis, who was one of the passengers in Mrs. Lines car. He was sitting beside the driver, he said, and was dazzled by the headlights of the other car, which swerved to the crown of the road.

The car then dipped its lights and there was a noise of glass falling as the two cars got very close. If the other car slackened speed at all it was very little, and it passed them fairly fast. As they stopped he saw the man lying on the other side of the road. Witness stayed in the car to give chase, but did not see the other car again.

Answering Mr. Mitchison, witness said he did not hear the shouts, laughter or talking from the other car as described by Mrs. Lines. They went about four miles towards Eastry in their search for the other car.

Another passenger in Mrs. Lines' car, C.S.M. Richard Brooksbank, R.A.S.C., stationed at Old Park Barracks, said his attention was drawn to the other car when it swerved violently towards the offside of the road.

CAR DROVE ON.

"As it swerved I saw a form thrown to the nearside of the road," the Sergeant-Major said. The car was then about 150 yards in front of them. After this incident the car returned to its own side of the road, but did not stop. By the time he got out of the car the other one was out of sight. There was a bend in the road three or four hundred yards away.

In reply to Mr. Mitchison, witness said he did not remember whether the car's lights were dipped when he saw the form flung to the side of the road. He remembered no noise of breaking glass.

Answering Mr. W. A. Finlay, who appeared for deceased's relatives, witness said he eventually found deceased at the side of the road, but he was unable to say whether Mr. Mayne was wearing light or dark clothing. It was too dark to see.

C.S.M. Arthur Ronald Luscombe, R.A.S.C., Old Park Barracks, the third passenger in Mrs. Lines' car, said his attention was arrested by a tinkling of glass, and he saw the other car swerving. He looked through the near window, but the car had gone too far for him to see the number. He had feared it would turn over, and it was a surprise to him that it was able to keep on its four wheels.

When he got out of the car he found the man lying in the road, the upper part of his body on the grass verge.

Replying to Mr. Finlay, witness said that deceased wore a light coloured coat, and his cap was near him.

Donald William Alfred Kelvey, 47, Folkestone Road, Dover, ambulance driver, said that he received the call at 9.54 p.m., and estimated the position of the body as about 50yds. on the Dover side of Whitfield Fire Station but on the opposite side of the road. There was no sign of life, but the man was removed to hospital as quickly as possible. There was a pool of blood in the gutter under the man's chest.

P.C. H. Chappell said that he went to the scene of the accident in a Police car. It was a very dark

[Continued on Page 8.]

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