

£100 Award for Motorist 1940



A collision in the early days of the "blackout" had a sequel in Shaftesbury County Court on Monday when a Swallowcliffe motor cyclist obtained judgement for £100 against an Ansty motor cyclist. The accident was in November on the road about half way between Swallowcliffe and Tisbury.

Before His Hon Judge E W Cave, Cyril Frank Burton, of Swallowcliffe, claimed damages for negligence from Leslie Rowe, of Ansty, who counter claimed from Burton on the same grounds.

Mr R Stock (instructed by Messrs Lemon & Watts, Salisbury) appeared for Burton and Mr Eric Broad (Messrs Trethowan & Vincent) was for Rowe.

Plaintiff gave evidence that going from Tisbury towards Swallowcliffe, he approached Tisbury-road corner - a right hand bend - at about 15 to 18 mph, on his near side.

Defendant came straight across towards him, leaving no room for him (plaintiff) to go between the motor cycle and his near side bank, so he accelerated and swerved towards his off side to try to avoid a collision. Defendant also accelerated and swerved back towards his proper side of the road, striking his (plaintiff's) machine just behind the front wheel.

Cross examined by Mr Broad, he denied that he "cut" the corner.

Harry Edgar Stone, Police War Reserve, stationed at Tisbury, described the position of the machines after the collision, and in reply to Mr Broad said plaintiff's machine was on its off side.

Ernest Walter Burton, plaintiff's brother, who was riding as pillion passenger, said that when he first saw the defendant's light it was on the wrong side of the road.

James Alford, Tisbury-road, Tisbury, who was walking near the scene, said that Rowe said, after the crash, "I took the corner too wide."

In evidence, Rowe asserted that he approached the corner of his correct side of the road, allowing enough room for anyone walking. He saw the oncoming light on its correct side of the road. "Then the light suddenly shot across in front of me," he continued, "and I had no chance to avoid a collision." He added that the crash happened on his side of the road, and that he was at no time on his wrong side of the road. He denied that he swerved or accelerated.

Giving judgement for Burton on the claim for £100, with costs, and on the counter claim with costs. His Honour said he thought the accident was due to the negligence of the defendant in driving on the wrong side of the road, and that the plaintiff was not to blame for swerving to the right to try to avoid the accident.

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