

## Ansty Road Fatality 1932

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Mr Frederick Charles Gurd, a farm worker of Ansty, was killed instantly on Sunday evening when he was knocked down by a car driven by Mr Wilfred Leonard Stainer, a motor salesman of Semley. Mr Gurd, who was 43 years of age and unmarried, was walking up the hill beyond Ansty Hollow when he was struck by the car, which was proceeding in the same direction. He was knocked to the ground, and died almost at once as a result of a fracture of the base of the skull. An inquest was conducted at the Tisbury Public Assistance Institution on Tuesday Mr P Johnson of Devizes, the Deputy Coroner for the County of Wilts. The proceedings lasted from 11 o'clock till past 4 o'clock, with an interval of three quarters of an hour for lunch, and the jury, of which Captain G A Bull was the foreman, returned a verdict of accidental death, with a rider that the driver of the car was deserving of censure for not exercising more care in driving.

George Gurd, of New Barn Ansty, a carter, a brother of the deceased, gave evidence of identification. The Coroner asked if the deceased was a man of sober habits and the witness replied that his brother was not a teetotaler, although he was not a heavy drinker. The Coroner: Was he in the habit of visiting public houses on Sunday nights? – Witness: Yes, sir.

Dr J I F Knight (Tisbury) said he was called to the Salisbury-Shaftesbury turnpike road at Ansty Hollow at 10.45pm on Sunday night. He found Gurd lying dead on his back in the road with his feet towards the gutter. He was lying in the near side of the road. He had a wound in the back of the head with a depressed fracture of the skull under the wound. Death was caused by fracture of the base of the skull. He found nothing in the man's internal or external condition which would account for his being knocked down. He was remarkably well built and healthy. Dr Knight, answering the foreman of the jury, said Gurd was on his correct side of the road, assuming he was going to his home. On his left shoulder was a recent bruise such as might have been caused by the man finding the car was on him, turning to jump into the bank and being struck on the shoulder by the car. Captain Bull said Gurd was six feet tall. Dr Knight said, in his opinion the blow on the back of the head was caused by an impact with the road and not with a car. He believed that the shoulder bruise was caused by a blow from the car.

Answering Mr J Trethowan, who represented Mr W L Stainer, the driver of the car, Dr Knight said the surface of the road was damp. In the ordinary way he would expect injuries caused by a car striking a person to be lower than the shoulder.

George Henry Bath, a carpenter of South Farm Ansty, said that on Sunday evening he was with Gurd. He met him in the "Victor" 'bus which went from Salisbury to Tisbury. Gurd got on the 'bus at the Cribbage Hut, witness having come from Salisbury. He had known Gurd all his life. He was perfectly calm and normal on Sunday night. They got out together at Ansty Hollow, where they parted, Gurd going up the hill towards Shaftesbury. Witness had only gone a few yards when he heard a car go by and a crash. He found Gurd lying in the road apparently dead. A four seater saloon car, driven by Mr Wilfred Stainer, was in the road. A motor cyclist who came along fetched the police.

Answering the Foreman, Bath said he could give no estimate of the speed of the car. The car was going towards Shaftesbury and was backing down the hill towards Salisbury when witness got there. It was more on the right hand side of the road and the body was on the left. The lights were rather dim when he saw the car.

Theodore Bridge Stainer, motor engineer of Semley, said he was a passenger in his brother's car on Sunday evening. He had been to London, and at about 10pm came to their garage at Fovant in a 'bus from Salisbury. Here he got off and his brother took him in his car towards Semley. They had an Armstrong Siddeley 1 5h.p. saloon. Approaching Ansty Hollow, the speed of the car was from 20 to 25 miles per hour. When they were going up the hill, they saw a man going up about 15 yards in front. He was between three and four feet from the left hand hedge. All the headlights of the car were on. His brother rounded the bulb horn. Just as they got up to him, Gurd staggered to the right and fell sideways into the car. His brother immediately pulled up and witness got out to see who it was. Witness first felt the bump from the corner of the door near the windscreen on his side. He went to the man and asked him if he was hurt. He got no reply.

Wilfred Leonard Stainer, the driver of the car, who lives at Semley, and is a motor car salesman, was next called. He said he saw Gurd about 15 to 20 feet before he got to him. He expected to see him because he passed him there frequently on Sunday evenings. He blew his bulb horn, and, being in the middle of the road, he kept straight on.

Gurd apparently knew who it was in the car and gave a half turn round. Instead of turning in to the near side of the road, Gurd fell into the car. Witness's speed up the hill was about 25 miles per hour. He did not unduly accelerate to go up the hill, but just accelerated ordinarily. After feeling the bump he pulled up at once. Witness said he reversed the car back on the wrong side of the road so as not to run over the man. Bath was re-called and answering the foreman, he said Gurd was perfectly sober when he entered the 'bus.

PC Webber-Taylor (Tisbury) said he was called to Ansty Hollow after the accident, arriving there at 10.30. He described the position of the body and gave measurements of the road. The road at this point was 20 feet wide. Wilfred L Stainer made a statement to witness (which was substantially the same as his evidence). The Constable said there were marks leading up to the spot where the man fell and beyond it, which showed that the car skidded for 129 feet.

The jury returned a verdict of accidental death and added a rider that the driver of the car was deserving of censure for not exercising more care in driving. They expressed sympathy with Mr Gurd's relatives. The Coroner said he agreed with the verdict, and he, Inspector Townsend (on behalf of the police) and Mr Trethowan associated themselves with the jury's expression of sympathy.

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### Sequel to Ansty Fatality – Semley Mechanic Committed for Trial

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At Tisbury Petty Sessions on Thursday, Wilfred L Stainer, The Garage, Semley, was summoned for driving a motor car in a manner dangerous to the public on Sunday September 18<sup>th</sup>. There was a further summons for driving without due care and attention. Stainer, who was represented by Mr A B Lemon of Salisbury, intimated that on the first charge he would be tried by a jury and on the second charge he would plead not guilty. The Court proceeded to hear the evidence in the first case, the second case standing adjourned.

Mr W H Taylor (of Messrs Wansborough & Taylor, Bristol and Devizes) prosecuting, said a man named Frederick Gurd was killed on the highway about 10.15pm and it was alleged, by a motor car which was driven by defendant, with whom was his brother, Theodore. The car was a 15hp Armstrong Siddeley, the owner of which, Mr Andrews of Southampton, had left with Stainer for attention. It seemed that Wilfred Stainer had taken that car from their garage or works at Fovant to drive to Semley. Gurd and a man named George Bath got out of a 'bus near Ansty Hollow and Bath left Gurd there. Gurd went in the direct of his home, up the hill, and shortly afterwards, Bath heard a crash and running back, found Gurd lying in the road. It was alleged that the car, driven by Stainer, had knocked him down from behind, killing him, it was believed, "on the spot". The road there was 20 feet wide and defendant had a clear view of 100 yards before he reached the scene of the accident. There was no other traffic about.

#### Seemed to Fall

Stainer had said, continued Mr Taylor, that he had been driving along in the middle of the road and that he had seen the man, Gurd, in the side of the road. He sounded his horn and the next he knew was that the man seemed to fall in front of the car. Stainer said he stopped and they jumped out and found Gurd lying in the road in front of the car, leaning up against the front near side mudguard. He (defendant) had been doing 20 to 25 miles an hour and had the lights full on. Mr Taylor said he thought the Bench would find that that statement was not altogether consistent with the facts.

When the police arrived, the motor car had been moved, and was facing the body about four yards away on the Salisbury side of the deceased. The engine was running unusually fast and altogether consistent with the facts. When the engine was stopped the lights immediately started to grow dim and eventually went right out so that manifestly the battery was run out and the only chance of the car being lighted was when it was running fast. He thought they would be driven to the only possible conclusion that the car was in a condition in which it had to be driven fast to keep the lights bright enough to see ahead. If it was being driven slowly, equally it was a dangerous thing to drive because it had insufficient light to show up obstacles in the road. The near side top half of the windscreen was smashed and the framework bent, and the beading between the windscreen and the near side door was broken. There were road marks, concluded Mr Taylor, which seemed to show that the car had been travelling up the incline at considerable speed.

Evidence was given by George Bath of South Farm Ansty who said deceased was quite sober and natural when he left him at the 'bus. Cross examined, witness said the road was damp, but not much.

P.C. Taylor gave measurements of skid marks, the morning after the accident, which appeared to have been made by the four wheels of the car.

Mr Lemon contended there was not a tittle of evidence in support of the prosecution and it would be perfectly ridiculous to send defendant for trial. Defendant was driving on his correct side of the road up to the time of the accident.

The doctor's evidence before the Coroner was that there was an injury to deceased's left shoulder and it might quite well have been that the deceased suddenly swerved round and caught his shoulder on the car.

The Bench decided to send defendant for trial at Wilts Quarter Session. Defendant, who pleaded not guilty and reserved his defence, was allowed bail in his own recognisance of £25.

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SEMLEY MOTOR MECHANIC  
NOT GUILTY.  
DANGEROUS DRIVING CHARGE  
DISMISSED.

The only case in which the services of a petty jury were required at the Wilts Quarter Sessions at Devizes on Tuesday, before His Honour Judge J. R. Randolph, the Marquis of Bath, and other magistrates, was one in which Wilfred Leonard Stainer (27), a motor mechanic, of Semley, near Warminster, was indicted for driving a motor-car to the danger of the public at Ansty, Tisbury, on September 18th. When the case was before the Bench the defendant exercised his right to a trial by jury, and he now pleaded not guilty.

Mr. Reginald Holt was counsel for the prosecution, and Mr. L. R. Dunne (instructed by Mr. A. B. Lemon, Salisbury), defended.

The case for the prosecution, said Mr. Holt, was that on the night of Sunday, September 18th, just after ten o'clock, a man, named Frederick Gurd, who was killed by a motor-car driven by the accused, was a passenger on a motor 'bus going in the direction of what is known as Ansty Hollow. Gurd got out of the 'bus at the Cribbage Hut at Sutton Mandeville, and with him was another man, named George Bath. Both men alighted at Ansty Hollow at about 10.15, where several roads met. On one of the roads there was a steep gradient, which went away in the direction of Shaftesbury. It was up that hill that the motor-car was being driven, and it was also up the hill that Gurd was walking on his way home, Bath having gone down a side road which led to South Farm, near which was his home.

A CRASH.

Bath had not gone far when he heard a crash. Running back to the Shaftesbury road he found Gurd lying across the road on his proper side, with his feet close to the grass verge, and with his head almost straight across the road. On the opposite side was a motor-car, driven by the defendant, which was being "backed" down the hill—showing, counsel pointed out, that it had passed the man and was coming back. That was important, having regard to a statement which the defendant subsequently made to P.C. Taylor.

The accused backed the car and showed the lights upon the body which was lying in the road. At that point the highway is 20ft. wide, and there was a clear view for 100 yards, provided a driver kept a proper look-out and had proper lights. It soon became apparent that the man who was knocked down was dead. The engine was kept running exceptionally fast, and when, at the request of the police, it was switched off, the lights immediately became dim, and eventually went out entirely. That, counsel submitted, showed that there was nothing left in the battery, and that the reason the car was kept running at such a speed was to keep the lights burning. When the police arrived the driver said the body had been moved slightly to raise the head higher than the feet; he (Mr. Holt) supposed they were not sure that at that time the man was dead.

#### DEFENDANT'S ALLEGED STATEMENT.

The defendant made a statement which was taken down in P.C. Taylor's pocket book and signed by the defendant. In this the latter said he was driving in about the middle of the road, hooted, and saw the man walking on the side of the road. The next he could tell was that the deceased seemed to fall in front of the car. "I stopped the car (the statement proceeded), and we (the defendant accompanied by his brother) jumped out, and found him lying in front of the car, leaning up against the near side mudguard. I was doing from 20 to 25 miles an hour, with full lights on.

When that statement was considered, in view of what he (counsel) had told the Court, the jury would see, remarked Mr. Holt, that something else must have happened, because in his statement the defendant said they found the deceased leaning up against the near-side front mud-guard, whereas when Bath walked up the road he saw the car being backed to where the body was lying.

The police-constable found that the marks on the road corresponded with the markings of the tyres on the defendant's car. The top half of the wind-screen of the vehicle was smashed, the window and near-side door were smashed, and the near-side wing was bent. One of the lamps was broken, and the framework at the top of the wind-screen was bent. This was 5ft. 6in. above the ground, and showed that a very considerable collision had taken place. Glass was found strewn about the road 25 yards from the body on the Shaftesbury side, showing that the car had passed that spot before it was "backed." Impressions made on the road by the tyres started 27 feet from where the body was found, and the skid marks went on towards Shaftesbury for 102 feet. They went into the direction of the "far" bank, which would be on the wrong side of the road. It went on for 32 feet, and off the bank again for a further 15ft.

Counsel submitted that if the car was being driven properly, and at a speed of only 20 to 25 miles an hour, the jury would wonder why the accused did not stop and why he could not avoid a man, who was on his proper side, on a road which was 20ft. wide. It might be that he was driving in a reckless manner up the hill in order to keep his lights burning. At any rate, all this happened on a road where there was a full view for 100 yards ahead, and the pedestrian was knocked down and killed.

#### THE DEFENCE.

Witnesses having given evidence, Mr. Dunne called his two witnesses for the defence.

The defendant himself first went into the box, and said he was a motor mechanic. On Sunday evening, September 18th, he started off from his sister's garage at Sutton Mandeville in an Armstrong-Siddeley car towards Shaftesbury. He had seen the man, Gurd, just before he left the garage; he was then half-way between the Cribbage Hut and the garage. He had seen him earlier in the evening, at about 7.30, when he called into the garage and had a chat, as he sometimes did on a Sunday evening.

Continuing, defendant said he saw Gurd on the Shaftesbury-road first when he was about 15 or 20 yards away. Witness was driving at from 20 to 25 miles an hour. The man was walking fairly to the near-side of the road—from 4ft. to 5ft. of the edge; about 4ft., he would say.

Asked as to the lights on the car, defendant said they were good, but he would be unable to see farther than about 20 yards ahead at that spot because of a dip in the road; there the lights would go down a little. He was driving in about the centre of the road, and did not consider it necessary to alter his course to avoid the deceased. He considered he had ample room to pass; if he (defendant) had got farther over he would have been on the wrong side of the road.

The Chairman: The deceased was right in on the banks?

the banks?

Mr. Dunne: No, sir, about four feet out.

The Chairman: Can you explain how you came to hit him?—I was driving along, saw him at about 20 yards, and kept to my course. I "hooted" almost as a matter of form. I knew he would come on that road, and he knew I would be on that road. I continued my course, and he went on and seemed to turn into the car.

The Chairman: What do you mean?—He turned round and fell.

Just as you got up to him?—That is right, your Honour.

Which part of your car hit him?—The front of the wind-screen, I should suggest, and the wing.

"SIGNED WITHOUT READING."

Defendant having been further examined as to the damages to the car, Mr. Dunne asked him what he did after the impact, and he replied that he stopped as soon as he could, pulled over to the opposite side of the road, reversed, and backed down on the extreme right so as not to go over the man. His (defendant's) brother jumped out, and they went to see what they could do for the man. They did not know whether he was dead or not then.

Defendant was taken through the statement he made to the police, and assented to most of it, but said he did not remember saying that they found the deceased leaning up against the near side mudguard.

The Chairman: But you signed that statement?—It was very dark that night.

Do you mean that the deceased was leaning against the near side mudguard when you finished up?—No, sir.

Was he ever leaning up against it?—Never, to my knowledge.

Is that wrong? Did you not say that to the policeman?—I cannot remember saying it to him. I never saw the statement after it was written down.

I do not follow. Did you sign it without reading it, or having it read to you?—Yes, your Honour.

Mr. Dunne then passed on to the question of the lights, and put it to the defendant whether it was true that he kept the engine running at a high speed when stationary to maintain the lights.—Defendant denied the suggestion. He agreed that after he switched the engine off the lights became dim, and that they went out in about ten minutes or a quarter of an hour, which he attributed to a loss of current caused by a "shorting" as a result of the damage to the side lamps.

The defendant was close'y cross-examined by Mr. Holt, and emphatically declared that if the deceased had not sort of "lurched" into the car he would have passed him, and there would have been no accident.

Asked as to the shattered glass which was  
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found some 25 yards on the Shaftesbury side of the dead man, defendant said they came back with the car that way, and it might have fallen out on the return journey, but Mr. Holt pointed out that P.C. Goulding found the glass at that distance from the car, before it proceeded after the accident.

Questioned as to how long he had driven this particular car, defendant told Mr. Holt that he had driven it only once, but he had driven a number like it. He was going about seven miles that night.

**"STAGGERED AND FELL."**

Theodore B. Stainer, the defendant's brother, who was with him on the night of the incident, also gave evidence. As to the actual impact, he said just as they got on top of the man he sort of staggered to the right and sort of fell. He bore out what his brother had said as to the lights, and agreed that the defect was due to a short circuit.

He was questioned as to the statement by the brother, which he himself signed, though he said he could not remember reading it, or the constable reading it over to him.

Counsel on each side having addressed the jury, and the Learned Judge having summed up the jury left the box for private consultation.

They were absent for about ten minutes, when they reported that they were unanimous in finding the defendant "Not guilty," and Judge Randolph ordered his discharge.

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Jan Oliver  
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