

From **Bathurst National Advocate Tues June 15 1915**

Bridget Beatrice RYAN (Albert's mother) was a passenger in Charlie Hall's car when he hit cyclist Len Knight. Beatrice also was a witness at his pre-trial hearing. Her testimony is recorded in the story below along with other witnesses. This is about 15 years before she is committed to Bloomfield.

There's a veiled accusation from one witness that Seargent Sheehy could have forged a witness's statement to incriminate Charlie Hall!

Charlie had come up against Sheehy before in court.

This case was fairly big and attracted a lot of interest.

Apparently, the law at the time, widely disregarded, was that corners needed to be taken at 4 miles per hours (6km/h)!

Charlie was acquitted due to conflicting evidence but it sounds like it was a close call.

Albert Ryan was based at Liverpool (Holsworthy?) preparing for deployment to the Somme at this time according to his Service Record.

(see below)

Len Knight's Death

EVIDENCE AT THE INQUIRY.

THE CORONER'S VERDICT.

**MOTOR DRIVER COMMITTED
FOR TRIAL.**

**MOTORISTS IN GENERAL
CENSURED.**

The City Coroner, Mr. C. Jennings, P.M., held an inquiry at the Court House yesterday into the circumstances connected with the death of Leonard A. T. J. Knight (24), lately residing with his parents in Rankin-street, and whose death in Bathurst Hospital during Friday night followed on a collision between himself and a motor car at the corner of George and Russell streets.

Inspector McKenzie conducted the inquiry for the Police, and Mr. F. H. Kenny watched the interest of Charles Henry Hall, driver of the motor car concerned, and who was present in custody.

Considerable public interest was evinced in the proceedings, and the court room was crowded during the inquiry, which lasted throughout the day.

The first witness called was Dr. Machattie, who attended young Knight after the accident, who said the victim was unconscious when brought to his surgery and was breathing very badly. He had a large abrasion on the side of the head. Witness ordered his removal to the hospital. He never rallied and died later in the night.

The doctor announced that a post-mortem examination conducted by him on Saturday, under instructions from the coroner, revealed that the organs were all in a healthy state. On opening the skull he found extensive fracture of the parietal and temporal bones with much laceration of the brain substance and hemorrhage. These injuries he took to have been the cause of death. There was very little external mark of violence.

Witness said he saw Charles Hall after the accident, when everyone was excited, including Hall. The latter did not say anything about the accident.

In reply to Inspector McKenzie, witness admitted that the injuries could have been caused if deceased had been going the same way as the motor car and was struck from behind.

Replying to Mr. Kenny, Dr. Machattie said he was satisfied that Hall was perfectly sober. The abrasion on deceased's forehead was insignificant in outward appearance—a mere graze.

Sergt. Stapleton said that after the accident he saw Charles Hall and Constable Leslie examining the scene of the collision. Replying to a question from witness as to whether that was where the accident occurred. Hall said, "Yes; it is a bad job for me." Witness rejoined that he (Hall) must have hit Knight pretty hard. Hall replied that he had gone seven or eight yards before he pulled up.

The sergeant continued that on hearing of Knight's death he went to Hall's residence in the "Advocate" Buildings, Russell-street, accompanied by Constable Leslie in the early morning. Witness knocked Hall up and called out that he wanted to speak to him. Hall appeared on the landing and witness told him that Knight had died and that they (the police) had come to arrest him. Hall replied, "I expected that. It was purely an accident and he had no light." Witness then arrested Hall and charged him with having, by a careless or negligent act, caused the death of Knight. Hall made no reply when the charge was read to him at the police station.

Answering the inspector, witness stated his belief that the light at the corner of George and Russell street was strong enough to enable anyone driving with ordinary care to discern a man crossing the street between George-street and the Telegraph Office.

Orlando Everard Elliott, clerk, of 163 Rankin-street, was the next witness. He said he was in front of Heath's restaurant at the time of the accident. He noticed Hall's car come up George-street and turn into Russell-street. Just after he turned witness heard a crash and saw Hall pull up within about 10 to 15 yards. Witness ran over and saw young Knight lying near the corner and close in to the Russell-street footpath. The car was about 20 yards further on and Hall was then standing over the body. Hall's next act was to reverse the car and take Knight to Dr. Machattie's surgery.

Replying to Inspector McKenzie, witness estimated the pace of Hall's car at from 10 to 15 miles per hour. He could not say whether Hall slowed down as he turned the corner. Witness added that he could make out the body lying on the road from his position in front of Heaths. He believed that from where he was standing he could have seen any person walking across Russell-street in the vicinity of the collision. He did not notice whether Hall blew the horn of his car before turning. The lights of the motor were burning brightly.

Witness replied to Mr. Kenny that he did not have much opportunity to estimate the speed of the car as he did not notice it coming up George-street until it was nearly opposite Heath's. He did not claim to be competent to judge its pace although he

had himself driven a car and held a driver's license. He would say the pace was "slow."

Witness informed the coroner that he believed Hall was perfectly sober.

Arthur Aylin, kitchen boy, living at 51 George-street, was at the Evans' memorial site with three others when he heard the noise of the collision. Witness said he saw a lady in the car with Hall. He did not do much beyond glance at the car and his estimate of the speed would be between 8 and 10 miles per hour. He did not hear the motor's horn sounded. The witness did not succeed in throwing any further light on the occurrence than the previous witness.

Arthur M. Hartland was the only independent witness who actually saw the collision. He occupied the same point of vantage as the previous witness and saw Hall's car turn from George-street into Russell-street and almost immediately run into Leonard Knight on his bike. The car would be going between 10 and 15 miles per hour according to his experience of the speed of cars. He did not know whether the car's pace was reduced for the turn, but he heard the engine give a jump which might have meant that the speed was being altered. The car went no more than about 8 yards before being pulled up. Witness did not hear the horn blow. The lot was fairly well lighted and Hall was quite sober.

Cross-questioned, witness said he could not swear whether Knight was actually on his bicycle or not. He never saw Knight until the instant the car hit him, and he had no impression as to whether he was riding or walking. When he caught a glimpse of him in collision he appeared to be separated from his bicycle. He did not think there was a light on the machine.

Mary Hilda Dryden, 167 Rocket-street, said she knew Leonard Knight and saw him in George-street, opposite Webb's, shortly before 11 o'clock wheeling a bicycle (without light) up towards Keppel-street. About five minutes afterwards, while in Heath's refreshment rooms, she heard of the accident.

Norman Jerome Ahearn, jockey, living at 44 Durham-street also saw Hall's car from the memorial site and estimated the speed at from 8 to 10 miles per hour. He did not hear a horn blown, but he thought the car slackened its speed a little going round the corner. He was about the first to reach the scene of the accident. Hall appeared sober.

Hilton Wray, a baker by trade, of 189 Piper-street, was on the site of the Evans' memorial, and heard the crash of the collision, but was able to throw no additional light on the occurrence. William Theophilus Knight, of 27 Rankin-street, brother of deceased, gave formal evidence.

Charles Henry Hall, driver of the car, in reply to the coroner, intimated his desire to give evidence. He described himself as a dealer, living in Russell-street.

Replying to Mr. Kenny, he stated that on the night of the accident he brought a Mr. King from O'Connell to the Bathurst Hospital and was returning home with his car from the hospital when the accident occurred. He was accompanied by Miss Ryan. His speed up George-street would be from 8 to 9 miles per hour. At the corner of George and Russell streets were two men whom he did not know on the road and he blew the horn. The men stepped towards the lamp-post. He steadied his car to about 4 miles per hour round the corner and was keeping a careful lookout. When he got his lights full on to Russell-street he saw a young chap riding a bicycle coming side on to the car from the direction of the Telegraph Office and only about 2 or 3 yards away. Witness slewed his car sharply round to the right and the front wheel of the bike hit the left front wheel of the car near the kerb. Knight seemed to fall over the wheel on to the dashboard and thence on to the ground. Only the left back wheel went over the bicycle. Witness pulled the car up in a short distance, and went to where the body was lying, about 5 yards behind. The street lights were alight, but the cyclist had no light.

In answer to Inspector McKenzie, Hall denied the feasibility of deceased having been going towards William-street, in the same direction as the motor car. Witness stated that he had been driving a car for 13 months. He had had no smash-ups except the case of a Salvation women, who pulled the wrong rein at the race course, and cause the car to touch her sulky, which was just lifted over. He had pulled his car up on the instant on that occasion. He remembered no more similar incidents in his experience.

Don't you know your reputation as a driver—

Mr. Kenny: You can't have that.

His Worship upheld the objection, remarking that the examination must be confined to facts.

Inspector: Have you been before the court for furious driving?—Yes; I lost one case, but I am appealing to-morrow.

Witness said that Ted Mugridge put his car into the yard on Friday afternoon, and took the float out of the carburettor.

Inspector: Why did he do that?—He often does it.

Inspector: Was it because you were helplessly drunk on that afternoon?—Certainly not.

Mr. Kenny: It has nothing to do with the case.

Inspector: I know that, Mr. Kenny. I am testing his credibility.

Inspector (to Hall): Were you in any

hotels between 5 and 6 o'clock?—I was at home at that time, and for a while was talking outside Hartland's.

Weren't you inside Hartland's hotel between 4 and 6 o'clock?—I was there before 4 o'clock.

Did anybody wake you at 4 o'clock?—I was not asleep.

Who came and asked you to get up and go to O'Connell?—Mr. Leavy and his wife asked me to go.

Is it not a fact that you had to be awakened from a drunken sleep?—Certainly not.

Did you hear any of the witnesses here to-day say they heard you blow the horn?—No.

Did you blow it?—Yes.

Do you think those witnesses told untruths?—I think they gave good and fair evidence.

Are you capable of driving a car nine miles an hour?—Yes, and four miles an hour.

Where did you ever drive four miles an hour?—Out to Jenolan Caves, where you can't drive two miles an hour.

That would be up hill?—Up hill and down hill.

Not on the flat?—Yes, I have driven four miles an hour on the flat.

Witness described his car lights, which were not really effective when turning until the car was full round.

Inspector—Are you clear as to whether deceased was riding the bicycle or leading it?—He was riding it. I am very clear on that point.

The Coroner: Do you mean to say you can't see anyone when turning a corner until you are full round?—I could if I turned my head.

Did you look round into Russell-street before you entered it?—No; I blew the horn and turned round.

If you say you have to turn your head round to see into the next street why didn't you do so?—I was watching the two men on the right hand side. If I had taken my eyes off them I would have been likely to run into them. I turned sharp on the corner to avoid them.

And to avoid those two men you took a chance as regards the other direction?—Yes; that was what I did.

If that was so, why didn't you put your car up?—Well, I was on the right side.

But you know that because you are on the right side doesn't entitle you to do people damage?—Certainly not.

This concluded Hall's cross-examination.

Ernest Wm Woodford, railway employee, 149 Russell street, was called by Mr. Kenny. He said he did not know Hall, but a motor, presumably Hall's, passed him at a moderate speed in George-street, about 20 paces from the corner of the Parade. He did not notice the driver sound his horn, and did not witness the accident until he heard the crash.

George Leslie Scott, staff sergeant major, a visitor from Richmond, New South Wales, saw from the bank corner the car coming up George-street, he believed, very slowly. He did not witness the accident, but afterwards helped to put the injured man into the car. Witness never heard a horn blown.

Sydney Charles Hubbard, railway employee, of 145 Russell-street, Bathurst, was with the witness Woodford and was proceeding across from Heath's to Russell-street. He stopped in the middle of the roadway to allow the car to pass. He would describe the pace as "slow." He, too, failed to witness the actual collision, nor did he notice a horn blown.

Beatrice Ryan said she was a relative of Charles Hall, and housekeeper for him. She accompanied him in the car to O'Connell, and to the hospital and was in the car at the time of the collision. She was not an expert on the speed of cars, but thought Hall's car was going 3 or 4 miles an hour. Her impression of the accident was the sight of a man riding a bicycle who ran across in front of the car. She next saw the young fellow lying on the ground. Her belief was that Knight was coming along George street on his wrong side, and thinking the car was going right along George street, cut into Russell street to avoid it.

Inspector McKenzie: Was the speed the ordinary rate that Hall drives at when he is out with you?—He was driving very much slower.

Did Hall blow the horn when turning the corner?—I cannot say.

Did he have any engagements during the day previous to going out to O'Connell?—Not that I know of.

What was Hall's condition at tea time?—He had a drink or two, but wasn't drunk.

Did he go to bed after tea?—He had a good sleep. Mr. Leavy woke him up.

Did you know of Mr. Mugridge or Mr. Gornall being at your place while Hall was having his long sleep, or did anyone interfere with his car?—I don't know.

Witness reiterated her denial that Hall went to bed, because he was drunk.

In answer to Mr. Kenny, witness explained that Mr. Hall did not go to bed, but sat by the fire.

The witness was shown a statement, and asked by Sergeant Sheehy if the signature was hers.

Witness (to Sergeant Sheehy): It might be my signature, but you could do it as well as me.

Witness admitted that she might or might not have stated that: "If I had drunk she would not trust her life with him."

Inspector: Did you make that statement?—We will say I did.

Robert Evans, Sanitary Inspector.

who had examined the scene of the collision on Saturday morning, expressed the opinion from the appearance of the tracks that someone had been riding a bicycle. The bicycle track was a "wriggling" one, as though made by someone trying to get out of danger. He did not see the tracks of the motor, but concluded that that was because the motor had run on the hard road, while the bicycle marks were where the surface was soft. It had not occurred to him that the cycle marks might have been made by the bicycle being dragged along under the motor car.

This concluded the evidence.

The Coroner said the objects of the inquiry were two-fold—to arrive at the cause of death, and to find if anybody had contributed towards the fatality by negligence. It was quite clear from the evidence that death was due to injuries received by a collision between the motor car and the deceased.

It was not clear whether deceased was riding his bicycle or not. Personally he thought the evidence pointed to the conclusion that he was not, because within five minutes of the time of the accident he had been seen leading it. He was not satisfied that the conclusion arrived at by the last witness was in accord with what really happened. The tracks of the bicycle were quite apparent, said the witness, but the tracks of the motor were not. This seemed to point to the fact that the bicycle was forced along, thus causing the tracks, on the road—not that the cyclist caused them by trying to get out of the way.

As to the matter of negligence, the law laid it down that in crossing an intersection a motor car must not be driven faster than 6 miles an hour, and in turning a corner, 4 miles per hour. He thought the evidence in the case clearly showed that Hall was certainly driving more than 4 miles an hour around the corner. Hall's own evidence was rather peculiar, in that he stated he would have to turn round to see if there was anybody in a cross street, and yet he said he did not turn round by reason of the fact that he was endeavoring to avoid somebody else. The witnesses, whom he presumed Hall was endeavoring to avoid, had stated that they stood to let the car go by, and that was in George street. The accident happened in Russell-

street, and there was ample time for Hall to have turned his head to see if there was anybody in Russell-street. He did not appear from his own evidence to have done so; nor to have seen Knight until he was right on him. So that if the accident occurred while Hall was really committing a breach of a bye-law, in relation to the Motor Traffic Act, he (Coroner) must arrive at the conclusion that he was negligent in driving his car.

The Coroner pointed out that in passing, he thought it was due to the general public to know that, in his opinion, as he had hinted before, there was hardly a motor driver in Bathurst public or private, who does not commit breaches of the Motor Traffic Act in relation to inter-sections and corners. He was quite satisfied that every driver without exception, as a rule, committed breaches of the Act. He thought the authorities had been very remiss, and he pointed it out to some of them himself years ago. People got the idea that they were immune from prosecution. On Saturday he had witnessed a flagrant breach of the Act, himself, in Keppel street. The way people came through the City of Bathurst—for it was a City, and, therefore, under the same rules as Sydney—showed clearly that they had come to the conclusion that they were absolutely free to go at that rate, because the authorities were not taking any steps to make them comply with the Act. It was late to say now, "I told you so," when a young fellow's life was sacrificed, but it was not too late to stop the practice in the future.

The Coroner then committed Charles Henry Hall to stand his trial for manslaughter at the Circuit Court at Bathurst on October 20.

Bail was allowed, self in one surety of £80, and two sureties of £40, or one of £80.

Mr. J. Leavy, dealer, of Charlotte street, stood bail.