

MOTOR-CYCLIST'S DEATH

CONFLICTING EVIDENCE

Same Finding at Second Inquest

On the ground that there had been insufficient inquiry, and that fresh evidence was available, Mr. Justice Gavan Duffy made an unusual order in the Practice Court on August 20 for the quashing of an inquest and the holding of a new inquiry into the death of Richard Ray Dodd, aged 27 years, farmer, of Kellor, who was killed in a motor accident on the Ballarat road, near Sunshine, on the night of May 18. The order was sought by Dodd's brothers, under section 10 of the Coroners Act, which provides that an inquest may be quashed where inquiry was insufficient or where material matters had not been placed before the coroner. At the new inquiry yesterday the coroner (Mr. Grant, P.M.) returned the same finding as in the first inquest—that of death by misadventure.

Several witnesses were called yesterday who had not attended the first inquest. Mr. A. L. Read (instructed by Malleson, Stewart, Stawell, and Nankivell) acted for the driver of the motor-car that collided with Dodd's motor-cycle—Reginald Septimus Boyd, grazier, of Bacchus Marsh. Mr. J. F. Mulvany (instructed by Mr. P. J. Ridgeway) acted for Dodd's relatives.

Constable Alexander, attached to the wireless patrol, said that he arrived shortly after the accident and made inquiries, but was unable to find anyone who had witnessed the accident. No woman or girl was present on the scene.

Three girls, Elsie Coulson, Flora Dempster, and Norma Reeves, who were called as witnesses, said that they had seen the accident, and all testified that Dodd's motor-cycle had passed them on the correct side of the road travelling at a moderate speed. Elsie Coulson said that she saw a motor-car coming in the opposite direction. It was on its correct side, but after crossing a culvert it swerved to the wrong side of the road and crashed into Dodd's motor-cycle. "The first time I made a statement in reference to the accident was some time later," said Coulson. "I told my mother that I would wait until the police came and asked for particulars."

Flora Dempster admitted having heard the police ask if anybody had seen the accident. "I did not reply," she said, "because I did not want anyone to know I did see it." Elsie Coulson was not with us, as she has stated, at the time of the accident.

The driver of the car, Boyd, said that he was travelling on his correct side of the Ballarat road until he saw the lights of a motor-cycle coming straight toward him. "I swerved to the right to avoid a collision," he proceeded. "The motor-cycle swerved in the same direction at the same instant and crashed into my car."

In returning a finding of death by misadventure the coroner said:—"It seems clear that the driver was on his correct side of the road in the first place, and he must have had some reason for changing to the wrong side. On balancing the evidence I must arrive at the conclusion that the motor-cyclist was not on the correct side of the road." In view of the conflicting evidence the coroner said that it would be unsafe for him to place much reliance on the evidence of the three girls.

It would be unsafe for him to place much reliance on the evidence of the three girls. "They were all young and had witnessed their first fatality. Naturally their sympathies would be with the dead man."